

Leopold I THE *Emperor of Germany*
Emperor's Manifesto;

N. Austrian Right
Plainly setting Forth, the

Leopold I Emperor
R I G H T

O F T H E

House of Austria

T O T H E

CROWN of SPAIN.

Done from the Original Printed at Vienna.

L O N D O N:

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Empire's Antislavery

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T H E

Emperor's Manifesto, &c.

SINCE the Death of his most Catholick Majesty *Philip IV.* King of *Spain*, there never has been any Person, however slenderly skill'd in the Affairs of the World, except it were some *French*, who have always been accusom'd poorly to flatter their Kings, but has acknowledg'd that neither his most Christian Majesty, nor any of his Descendants could ever have any the least Title to the Crown of *Spain*: The two famous *Renunciations* made a long time since, by the *Infanta's Ann* and *Mary Theresa*, the former Daughter of *Philip III.* of *Spain*, and Queen to *Lewis XIII.* of *France*, and the latter Daughter to *Philip IV.* and Queen to *Lewis XIV.* have always been esteemed so clear, so ample, and so valid, that the bare reading of them, without any thing to back it, has been sufficient to confirm all lovers of Justice in the same Opinion. And though some Persons may to satisfy their Curiosities have sought for other Proofs, yet we cannot imagine that any Christian or Honest Man can have so little regard to the Rights of Humanity as to combat in the least so many Conventions and Confirmations as have been of those Treaties. Moreover the same most Christian King, since the War he engag'd in after the Death of *Philip IV.* against some Provinces of the *Spanish Netherlands* was ended, has often seem'd to acknowledge the validity of those *Renunciations*, and likewise to have laid aside

all hopes of Inheriting any the smallest part of the *Spanish Monarchy*, either by himself, or any of his Children, or Grandchildren, leaving all such Possibility meerly to future Intermarriages between the two Crowns. Wherefore it was not without great surprize that we heard not long since, that even during the Life of his most Catholick Majesty *Charles II.* his most Christian Majesty had solicited the King of *Great Britain*, and the States General of the United Provinces, jointly to oblige his Imperial Majesty to divide the Succession of the Crown of *Spain* with him, in case his said Catholick Majesty *Charles II.* should die without Issue. And moreover that he had obtain'd, from the aforesaid Parties, by a Treaty made between them, that his Imperial Majesty should be required to come into the same; and also that the rest of the Princes and States of *Christendom* should be invited to assist with their Forces as *Guarantees* of the said Partition. But there is nobody that has not been yet much more surpriz'd, nay astonish'd, very lately to hear farther News, that the said King *Charles II.* of *Spain*, when most discomposed in Mind by his Sickness, had been prevail'd upon, as the only means to prevent dismembering of the *Spanish Monarchy*, to subscribe, after such manner as it was done, a *Will* which some Persons had presented to him against his Inclinations, whereby confining the *Renunciations* before mention'd to the *Dauphin of France*,

and his Eldest Son, He had called the Second Son the Duke of *Anjou* to the Crown of *Spain*; Also that the most Christian King had acquiesced in this *Device*, and that moreover by his Authority he had caus'd his said Grandson to begin to Act as King of *Spain*, and who was gone into that Kingdom accordingly to usurp that Throne. Likewise that several Governors of the Kingdoms and States of the said Dominions, together with other Subjects, had voluntarily joyn'd with the said Duke, but that not without disgusting many Loyal Subjects, as well *Spaniards* as others, who expected quite another thing. Since that time almost every body, from the highest to the lowest, has severely exclaim'd against the unparellelable wrong done not only to the most August House of *Austria*, and to the Families that in their turns might have succeeded in those Rights; but likewise to all *Europe* in general, or rather to all Mankind, wherefore though his Imperial Majesty should have refus'd to have asserted the said Right, it had been the Duty of all Men, under the Protection of the Almighty, to have endeavour'd to have reveng'd this common Injury, and to have establish'd the Publick Safety in this extreme Danger wherunto it is reduc'd. All these things are so well known to such as do not wholly neglect the Publick Affairs, or have not stray'd from the Dictates of their Consciences, through an infamous mutability of Mind, that we scarce think we have any farther occasion to prove the unjust Proceedings of the *French*, or that the most Serene House of *Austria* has the nearest Right to the Succession of *Spain*, either through Consanguinity or Alliance. But for fear it should happen that some Circumstances, very necessary to be known, should not have yet come to the knowledge of every body, for we must in this Affair have regard to all Mankind now living, and to Posterity after us; We shall plainly set forth our whole Case thereby to eternize the Justice of our Prententions, and to shame and confound, if

they are capable of it, both the *French* and their Adherents. We moreover propose hereby to awaken those that are already fallen into their Snares, and hope when we have made them fully sensible of their Condition, to occasion them to deliver themselves.

The better and sooner to effect this, we shall first lay down as a Fundamental, that ever since Civil Government has been introduced among Men, the best sort has been found to have been that of *Monarchy*; and that likewise from its Original every Nation, enclinable to that kind of Government, has been at liberty to confer that Trust either upon one single Person, or both upon him and his Heirs; but tho' the Succession of the Royal Line has been thus Establish'd, whether with Exclusion of the Heirs Females, and those that claim under them, or Admission of them; or with addition of any other Conditions, relating to the Persons Reigning, as to their Birth, Estate, Marriage, or manner of Governing: Yet it is evident, that the same Form of Succession may be altered, by the mutual Consent of the Person Reigning, and his Presumptive Survivors. Now no King or People, neither can, or ought, to deprive any Member of the Royal Family, without his consent, of the right of Succession which he has inherited by Birth. Moreover, it would be most unreasonable, to think that any Prince or States that are in War with each other, should have a power to part with any Provinces or Kingdoms barely for Peace sake, tho' there were no hopes of maintaining them; and which has never been violated, but Ruin, and a Publick Execration of the faint-hearted Person has ensu'd. In like manner it appears, by the Customs of all Ages, that a King may acquire other Kingdoms and States, providing they be United and Subjected to the first Kingdom, and the Successors thereof, and enjoy'd with the Rights and Privileges they bring along with them.

them. Also it oftentimes happens, that there are *Demefnes*, and other Rights, which appertain to a King or Prince, on account of his Patrimony, which either he himself, or in case of his neglect, his Successors may apply to the Royal Family; and which can never be disjoined, or otherwise altered, without the consent of the Person that is in Possession of them. Moreover, there is no body that is acquainted with the Rights of the *Holy See*, and of the sacred *Roman Empire*, whether by *Fiefs*, or otherwise, that can doubt the Power of noble Families, especially the most Considerable, to settle the Succession of their Sovereignties, and which have been often confirm'd both by the Popes and Emperors, in case they have not extended to defraud the said Paramount Sovereigns of their *Fiefs*.

What has been already said, being sufficient to decide the matter in question in general, we must come in the second place, to examine strictly the manner of Succession which has been introduced into the Monarchy of *Spain*, since it has been made up of so many particular parts, not forgetting to speak at the same time of the *Fiefs*, whereby the Kings of *Spain* have long held some Provinces of the Empire. First, to speak of the different manner which the *Spaniards* and *French*, opposite almost in all things, have made use of to establish the Succession to their Monarchies. It is to be known, that the *French* have time out of mind been always accustomed to exclude all Heirs Females, for several Reasons, from the Succession to their Crown, and that not only in the *French Line*, but likewise in that of Strangers, whereby Possessions have come to the Kingdom of *France*. The *Spaniards* on the contrary, after the extinction of the Male Line of the same Degree, have ever admitted of the Females, but that with this Restriction, that they should not Marry into the Royal Family of *France*, without for ever disabling themselves and their *French* Posterity from Inhe-

riting the Crown of *Spain*. This was to balance the Powers of these 2 Nations, and that by the consent of *France*. Now since what has been already advanced, is undeniably true, altho the *Arragonians* have in times past still stuck to the Male Line, it would be superfluous to seek after any farther Proof of it, only we must endeavour to support the Exception that has been added to it, to which it has pleased the *French* to make violent opposition, through a covetous temper of extending their Dominions, and which likewise some *Spaniards*, excited by the same Principles, have lately endeavoured to Obscure and Overthrow, if possible; and that not only by their Writings, but also by terms contrary to the known antient Customs of *Spain*.

Come we now to shew the Relation and Alliance betwixt the two Branches of the House of *Austria*, viz. that of *Germany* and that of *Spain*. It will not be necessary to give any long account of them, but only in short, to let the World know, that in like manner as his late Catholick Majesty King *Charles II.* was descended from the Emperor *Charles V.* born in *Flanders*, and the eldest Son of his Family, so his present Imperial Majesty *Leopold I.* likewise descends in a right Line on both sides from the Emperor *Ferdinand I.* Brother of the said *Charles V.* both who were great Favorites of the Grandfather *Ferdinand* the Catholick, and were Sons of *Philip*, by reason of his Beauty, surnamed the *Handsom*, who was Son of *Maximilian I.* and of *Mary*, Inheritor of *Burgundy*. It is also very well known, that the Mother of his present Imperial Majesty was *Mary* Daughter of King *Philip III.* of *Spain*, and Sister of *Philip IV.* Married to the Emperor *Ferdinand II.* his Father. Likewise that his said Imperial Majesty was Married to *Margaret*, second Daughter of the same *Philip IV.* and of his Queen *Mary-Anne* of *Austria*, Sister of his Imperial Majesty, by whom he had *Mary Antoinetta*, Marry'd to the Elector of *Bavaria*, who brought him

on, which having scarce surviv'd his
other 6 years, follow'd her to Heaven.
After the Decease of *Margarite of Spain*,
his Imperial Majesty marry'd *Magdalen*,
daughter of the Count *Palatine*, by whom
he had several Children of both Sexes;
which God long preserve.

And whereas we do not pretend that
this short account of Succession should
 suffice, to prove the Right of his Impe-
rial Majesty, and of all his most August
posterity, both Male and Female, to the
Crown of *Spain*, so do we not offer to
exclude the most Christian King or his
Issue, from being of the same Family;
but we must nevertheless again aver, that
these *French* Marriages, his Mother
Isabella, and his Wife *Mary Theresa*, were
never excluded, together with their
French Progeny, of what Order, Degree,
or Sex soever, nay, even tho' they were
widows, from the *Spanish* Monarchy;
but this by the Laws and Customs of
Spain, the Provisions of preceding Kings,
and the Articles agreed and sworn to both
by themselves and their Husbands. Those
who know that by the most antient *Spanish*
Histories, the Kingdoms of *Spain* ought ne-
ver to be United to that of *France*, nor
to be Governed by any *French* Prince
or Princes, will not think it strange, that
before the younger Daughter of *Spain*,
was been prefer'd to the Elder, and her
Issue, when marry'd into the Royal Fa-
mily of *France*; as likewise the Children

of the Brothers and Sisters, have exclud-
ed, by *Laws, Wills, and Renunciations*,
the Royal Daughters of *Spain*, when mar-
ry'd to the *French*. So very careful were
the *Spaniards* of their Liberty and the Ho-
nour of their Country at all times, that
they would be sure never to give the
French any more Power or Possibility of
coming to Reign over them, than the
French gave them of coming to their
Crown; and this under what Title or
Pretext soever, resolving vigorously to
withstand all Machinations of evil Men,
that endeavour'd to establish the con-
trary.

It was upon this Foundation, that the
wise and careful King *Philip III.* of *Spain*,
Grandfather by the Mothers side, to his
present Imperial Majesty, mov'd likewise
by divers new Reasons, and in order to
take away all future occasions of Dispute,
caused the following Contract of Mar-
riage to be drawn up at *Madrid*, in the
year 1612, between his Daughter *Anne*
of *Austria*, and *Lewis XIII.* King of *France*,
by the *Spanish* Ministers and the Amba-
sador of *Spain*, in the presence of the
Archbishop of *Capua*, of the Illustrious
Family of the *Cajetani*, and the Popes
Legat, as likewise of the Ambassador of
the Great Duke of *Tuscany*, as Mediator,
and of divers *Grandeess* of *Spain*, Council-
lors of State, and a great number of No-
bles; which Contract is as follows.

The

The Contract of Marriage between Ann of Austria, and Lewis XIV. King of France.

IN the Name of the most Holy Trinity, the Father, the Son, and the ever blessed Holy Ghost, three Persons in one only and true God, for the Glory, Service and Advancement of these Kingdoms; Be it known unto all those to whom this present Writing or Instrument, containing an Agreement or Treaty of Marriage shall come, that in the City of Madrid, and in the Palace of his most Catholick Majesty Philip III. on Wednesday the 20th of August in the Year 1612. in the Presence of the most Illustrious Don Antonio Cayetano Archbishop of Capua, and Legat a Latere, from his Holyness Pope Paul V. and his Apostolical Nuncio in these Kingdoms. And likewise in the Presence of Signior Count Orso Delzi, Ambassador from the Great Duke of Tuscany, and Mediator; and moreover in the Presence of the Lords Dukes of Infantado and Albuquerque and of the Marquesses of Castel Rodrigo, and Villa Franca, all four Councillors of State to his said Catholick Majesty; and also in the Presence of the Duke of Uzeda, Admiral of Castile, and Prince of Tingri, the Duke of Maqueda, the Duke of Penaranda, the Duke of Alva, the Duke of Sessa, the Duke of Feria, the Duke of Montalto, the Duke of Villa Hermosa, the Duke of Varaguas, and of Don John of Idjaque Great Commendador of Leon, of the Council of State to his said Catholick Majesty, and President of the Orders, as likewise of Don Augustino de Merzia, also of the said Council of State, and Great Chamberlain to his said Catholick Majesty; and lastly of divers other great Lords and Knights. Before

me Don Antonio d' Arostegui Knight of the Order of St. Jago, and Principal Secretary of State to his said most Catholick Majesty, appearing the most Excellent Lord Don Francisco de Sandoval of the Family of Roxas, and Duke of Lerma, &c. of the Council of State to his said Majesty, &c. and Governor and Chief Steward of the Household to the most High and Triumphant Prince Philip of Spain, &c. In the Name of the most High, most Excellent, and most Potent Prince Don Philip III. of that Name, our Lord by the Grace of God King of Castile, &c. By Vertue of a Power that the said Lord Duke of Lerma has receiv'd from his said most Catholick Majesty by Warrant or otherwise, Signed with his Majesty's Royal Hand, and Seal'd with his Royal Seal, and Counter Sign'd by me the said Principal Secretary, made and pass'd at St. Lorenzo of the Escorial, the 30th of July, in the same Year; Representing our said Lord Philip III. as King, Father and Lawful Disposer of the most Serene Infanta his Daughter; and likewise her Majesty the Queen Margarite his Lawful Wife on the one part. And also appearing on the other part the most Excellent Lord Henry of Lorain, Duke of Main and Eguillor, Peer and Great Chamberlain of France, and Ambassador Extraordinary from his most Christian Majesty Lewis XIII. King of France, to our Court of Spain, on this account, and together with him, being join'd as Assistants the Vicount of Puisieux, and the Baron of Vaucelas, both Councillors of State to his said most Christian Majesty. All three to Act joyntly

joynly for and in the Name of the said most High, most Excellent, and most Potent Prince *Lewis XIII.* by the Grace of God most Christian King of *France* and *Navarre*, and likewise in the Name and on the Part of the most High, most Excellent, and most Potent Princess *Mary* the most Christian Queen of *France* and *Navarre* his Mother, being Governess and Regent of his Kingdoms. By Ver- tue of these said Powers, whereof the latter have been exhibited and presented written Originally in the *French* Tongue, Sign'd and Seal'd with their most Chri- stian Majesty's Royal Hands and Seals, and Given and Granted in their Royal City of *Paris*, viz. that of the most Christian King on the 17th of *July* in the same Year, and that of the said most Christian Queen on the 19th of the said Month and Year the Originals where- of remaining in my Hands. the Princi- pal Secretary of State, to be fil'd together with this present Instrument, the said Duke of *Lerma*, in the Name of his said most Catholick Majesty, and the aforesaid Lords the Duke of *Maine*, the Vicourt of *Puisieux*, and the Baron of *Vaucelas* in the Name of their said most Christian Majesties have signified, that their Respective Masters, the better to secure the Peace of the two Crowns, and of all *Christendom*, which has been inviolably observ'd since it was concluded between his late Catholick Majesty *Philip II.* our Lord, and his deceased most Christian Majesty *Henry IV.* of *France*, Fathers of their said present most Catholick and most Christian Majesties; and being de- sirous that the said Peace should be last- ing and perpetual, not only during the Lives of their said Majesties, but also during those of their Heirs and Suc- cessors have thought no means more pro- per to bring that Happiness about than mutual Intermarriages. Wherefore with the Benediction of our Holy Father Pope *Paul IV.* and the Mediation of his most Serene Highness the Great Duke of *Tus-*

cany, Treaties of Marriage and Espou- sals have been already Concerted and Agreed on between the most Serene King of *Spain* Don *Philip*, and *Isabelle* Sister and Eldest Daughter of their aforesaid most Christian Majesties. As likewise between his most Christian Majesty *Lew- is XIII.* of *France*, and the most Serene *Infanta* of *Spain*, Dame *Ann*, Eldest Daughter of his said most Catholick Majesty; and all this to the end that new bonds of Amity may be thereby more strictly Establish'd, and also that the present Love, Friendship and Bro- therly Affection which is between the two Crowns may be long preserv'd and cherish'd. Hereupon the said Under- written Lords Commissioners, in the Names of the Serene Parties above- said, have Articled Reciprocally as follows.

I. That, by reason of the too near Re- lation between the said most Christian King, and the most Serene *Infanta*, a Dis- pensation having first been obtain'd from his Holyness, so soon as the said most Serene *Infanta* shall have attain'd the Age of 12 Years compleat, the Nuptials shall be Celebrated according to the Form prescrib'd by the Sacred Cannons and Constitutions of the Catholick, Ap- postolick and *Roman* Church, in the Court, Palace or House of his most Ca- tholick Majesty, where the most Serene *Infanta* Dame *Ann* at present Resides; and that the most Christian King shall Ratifie and Confirm the same in Person, so soon as the most Serene *Infanta*, Dame *Ann*, shall be conducted into *France*, where the said Nuptials shall be Solem- niz'd according to the Treaty.

II. That his most Catholick Majesty shall on his part be oblig'd to give, and will give unto the aforesaid most Serene *Infanta*, Dame *Ann*, in consideration of her Marriage with his most Christian Majesty the Sum of 500000 Crowns in

‘ in Gold, of the Value of 16 *Reals* apiece,
 ‘ for her Portion, to be paid to his said most
 ‘ Christian Majesty, or his Order, in the
 ‘ City of *Paris* the Day before the Celebra-
 ‘ tion of the said Marriage.

III. ‘ That their most Christian Maje-
 ‘ sties, on their parts, shall be obliged to
 ‘ secure the said most Serene *Infanta*, Dame
 ‘ *Anne*, upon such Rents, Funds, and Se-
 ‘ curities, as shall be valid.

IV. ‘ That the said most Serene *Infanta*
 ‘ Dame *Anne*, shall content herself and be
 ‘ contented with the said Portion, and not
 ‘ expect for the future, or pretend to any
 ‘ other Right or Title, to any Inheritance,
 ‘ from either of their Catholick Maje-
 ‘ sties, her Father or Mother, but shall
 ‘ utterly renounce the same, in due form,
 ‘ before her said Marriage be solemnized,
 ‘ and the said solemnization, shall jointly
 ‘ with her said Husband the most Chri-
 ‘ stian King, ratifie and confirm what she
 ‘ before had solely done ; which Renuncia-
 ‘ tion both their said Majesties shall for ever
 ‘ remain concluded by. And providing
 ‘ their said Majesties should neglect to
 ‘ make the said Renunciation or Ratifica-
 ‘ tion, yet shall it be nevertheless as valid
 ‘ as if it had been really done.

V. ‘ Forasmuch as this said Marriage
 ‘ is concerted between their most Catho-
 ‘ lick and most Christian Majesties, for
 ‘ the Peace and Publick Tranquility of
 ‘ both their Kingdoms, their said Maje-
 ‘ sties do agree and consent, that the most
 ‘ Serene *Infanta* of *Spain*, Dame *Anne*, to-
 ‘ gether with her Issue, whether Male or
 ‘ Female, or any of their Descendants,
 ‘ shall for ever be excluded from any Suc-
 ‘ cession to the Kingdoms, States, Prin-
 ‘ cipalities, or Dominions, which do or may
 ‘ hereafter belong to his most Catholick Ma-
 ‘ jesty, or his Successors, Kings of *Spain*, either
 ‘ by Inheritance, Acquisition, Forfeiture,
 ‘ or otherwise. And to make the same of
 ‘ greater force the said most Serene Dame

‘ hereby utterly Renounce and give up al-
 ‘ pretended Titles, that either she, or her
 ‘ Issue, or their Descendants, may have to
 ‘ any of the aforesaid Dominions, nay,
 ‘ even in case that the Royal Catholick
 ‘ Line should fail, which God forbid. She
 ‘ likewise renounces for herself and her
 ‘ Heirs, any future pretended Right or
 ‘ Title, to the Country of *Flanders*, or the
 ‘ Earldoms of *Burgundy* or *Charleroy*, which
 ‘ Provinces and States were given by his
 ‘ most Catholick Majesty, to the most Se-
 ‘ rene *Infanta*, Dame *Isabella*, and which
 ‘ are to Revert to his said Catholick Ma-
 ‘ jesty, or his Successors. But all this, in
 ‘ case the most Serene *Infanta*, Dame *Anne*,
 ‘ shall die before his said most Christian
 ‘ Majesty ; for if she shall happen to
 ‘ survive him, her aforesaid Incapacity
 ‘ to inherit the Crown of *Spain*, shall be
 ‘ taken off upon two Conditions ; First,
 ‘ if she comes and lives in *Spain* and has
 ‘ had no Children by her said Husband ;
 ‘ and Secondly, if it shall be thought fit,
 ‘ for the good of the State, to Marry her
 ‘ again with the consent of his Catholick
 ‘ Majesty, to any Foreign Prince, except
 ‘ one of *France*. By these means she may
 ‘ again become capable of succeeding in
 ‘ the Monarchy of *Spain*.

VI. ‘ That as soon as the said most Se-
 ‘ rene *Infanta*, Dame *Anne*, shall have
 ‘ reach’d the Age of Twelve Years, she
 ‘ shall promise and oblige herself, both
 ‘ by Oath and in Writing, as well for
 ‘ her self as Heirs and Successors, to rati-
 ‘ fie the said Exclusion, to be void only
 ‘ upon the conditions aforesaid, which
 ‘ said Ratification shall be Registred in
 ‘ the Parliament at *Paris*. And afterwards
 ‘ upon her Consummating with his most
 ‘ Christian Majesty, shall likewise swear
 ‘ to observe inviolably the said Ratifica-
 ‘ tion, which shall be Registred in the *Cor-
 ‘ tes* in *Spain*.

VII. ‘ That their most Christian Ma-
 ‘ jesties shall either give or cause to be

' *Anne*, Rings and Jewels to the value of fifty Thousand Crowns.

VIII. ' That their most Christian Majesties, according to the laudable Custom of the Royal Family of *France*, shall Assign and Appoint to the said most Serene *Infanta*, Dame *Anne*, the yearly Allowance of twenty Thousand Crowns of Gold.

IX. ' That his most Christian Majesty shall give and allow to the said most Serene *Infanta*, Dame *Ann* his Queen, such a sufficient yearly Stipend, for the maintenance of her Court, as shall be suitable to her Quality, as Daughter to so great a King as his most Catholick Majesty.

X. ' That the said most Serene *Infanta* having attained the Twelfth year of her Age, she shall be Marry'd by Proxy, at the Court of her said Father, his most Catholick Majesty; which done, his said Catholick Majesty shall be obliged to send her to the Frontiers of the Kingdom of *France*, at his own proper Costs and Charges.

XI. ' That in case the said Marriage should be dissolved by the Death of his said most Christian Majesty before his said Queen, then the most Serene *Infanta* Dame *Anne*, shall be fully at liberty to return into the Kingdom of *Spain*, without any hindrance or let whatsoever.

XII. ' Considering that this Treaty of Marriage has been first desired, and since promoted and greatly furthered by our Holy Father the Pope, it were highly reasonable that his said Holiness should be requested to bestow his Apostolical Benediction upon it, and also that he would be pleased to insert this present Contract among his *Bulls*.

XIII. ' That their most Catholick and most Christian Majesties shall approve of, ratifie, and confirm, all and every part of these Articles; promising upon the words of Kings, always to observe and keep them inviolably, and moreover shall be oblig'd to deliver interchangeably Indentures, within two Months after the Date hereof, as is usual in these cases.

' All this which has been transacted and agreed to, in the Names of the most Serene Parties, to these presents, the above-named Lords Commissioners, in the presence of the aforesaid great Lords, have signed with their respective Names, and have moreover required me *Don Antonio d' Aresegni*, Principal Secretary of State to his most Catholick Majesty, to deliver them Copies thereof, which I have accordingly done.

The Duke of *Lerma*, &c.

Signed

Henry of Lorraine. &c.

By these Articles, it appears, that in this Marriage with *France*, not only the next Heir, but likewise the most remote coming of the said Marriage, nay even a Female that is excluded the Crown of *France*, was to be absolutely Rejected for Successor in the *Spanish* Monarchy; and which having been confirmed both before and after the Consummation of the Nuptials, both by the *Infanta Anne*, and the most Christian King her Husband, with the most sacred Oaths, and afterwards recorded among the Laws of both Kingdoms; it has never yet been called in doubt by any man living; but on the contrary, its great Benefit and Use, having been maturely considered by a general Assembly of the States met at *Madrid*, in the

the year 1618, they earnestly Address'd his most Catholick Majesty, King *Philip*, to confirm anew, by a perpetual Law, this *Renunciation*; by virtue whereof, all the Children of both Sexes which should come of that Marriage, were to be eternally Excluded having any the least Right to the Crown of *Spain*. King *Philip* having seriously considered their Request, and duly weighed the Reason of it, at length made and Published the Law that was demanded of him; wherein is inserted, as may be seen in the new Code of the Laws, Printed at *Madrid* in the year 1640. the Exception made, in case that the said Marriage should be dissolv'd by the death of the Christian King, and that the *Infanta* should remain without Children. As likewise the *Renunciation* sworn to, in the same Words and Terms with the said Contract of Marriage; the Title whereof is as follows.

LAW the Twelfth.

That Dame Anne, the most Christian Queen of France, and her Children, coming of the Marriage with Lewis XIV. the most Christian King, shall never Succeed in the Dominions of Spain, except in the case contained in the said Law.

This is farther Explained in the Contract of Marriage made in the year 1659, between the *Infanta, Mary Theresa*, Daughter of *Philip IV.* King of *Spain*, and the present Reigning *Lewis XIV.* King of *France*, being much the same with the preceding Contract, only more full and strong. It is as follows.

The Contract of Marriage between Lewis XIV. most Christian King of France, and the most Serene Infanta, Mary Theresa of Spain.

IN the Name of the most *Holy Trinity*, the Father, the Son, and the ever blessed Spirit, Three Persons in one only and true God, to whose Honour and Glory, and for the good of these Kingdoms, Be it known unto all those to whom these Presents shall come, That in the Isle commonly call'd of the *Pheasants*, situate in the River of *Bidassoa*, about half a League from the Town of *Andaye*, in the Province of *Guienne*, and near as much from the City of *Irura*, in the Province of *Guipuscoa*, and in the House built on purpose this Year, in the said

their most Catholick and most Christian Majesties, this day, being the 7th of November, in the Year of our Lord and Redeemer *Jesus Christ*, 1659, before me *Pedro Coloma*, Knight of the Order of *St. Fago*, Lord of the Cities of *Choza*, *Cavales*, and *Funquillers*, Member of the Council of the *Indies*, and Principal Secretary of State, and chief Notary to his most Catholick Majesty, have appeared; his Eminency *Messire Julius Mazarin*, Cardinal of the Holy Roman Church, Duke of *Maine*, and President of all the Councils of the most Excellent and mo

of God most Christian King of France and Navarre, by virtue of a Power from his said most Christian Majesty, written in the French Language, and signed and sealed with the said most Christian King's Royal Hand and Seal, Counter-signed by his said Majesty's Secretary of State, the *Sieur de Lomenie*. Given at Paris the 21 of June, in the year 1659. which Power remains in my hands, a Copy whereof shall be inserted at the end of these Presents, on the One part. And the most Excellent Lord *Don Lewis Mendez de Haro* and *Gusman*, Marquess of *Carpio*, Count Duke of *Olivarez*, perpetual Governor of the Royal Palaces and Arsenal of *Sevil*, perpetual Great Chancellor of the *Indies*, Member of the Council of State of his most Catholick Majesty, Great Commander of the Order of *Alcantara*, Gentleman of his said Majesties Bedchamber, and Great Master of the Horse, by virtue of a like Power, signed and sealed by his most Catholick Majesty, the most Excellent and most Puissant Prince *Philip IV.* by the like Grace of God King of *Castile, Leon, Arragon*, both the *Sicily's*, *Jerusalem*, *Portugal*, *Navarre*, and the *Indies*; Archduke of *Austria*, Duke of *Burgundy, Brabant*, and *Milan*, and Count of *Habsbourg*, *Flanders*, *Tirol*, &c. Counter-signed by *Don Hernando de Fonseca Ruyz de Contreras*, his Principal Secretary of State, Done at *Madrid* the 5th of July, in the same year, On the other part. The said *Messire Cardinal Mazarini*, in the name of his most Christian Majesty, and the said Count Duke of *Olivarez*, in the name of his most Catholick Majesty, Father and lawful Disposer of his eldest Daughter, the most Serene *Infanta* Dame *Mary Theresa*, which he had by his deceased Queen *Elizabeth*, his lawful Wife, both making use of their aforesaid Powers, have said and declared, that their Masters the most Christian and most Catholick Kings, being greatly desirous that the Peace at present esta-

not only during their Lives, but also those of their Heirs and Successors, and considering that the readiest way to effect what they so sincerely Desire, is by mutual Marriages and Alliances, their said Majesties have by the Grace of God, and to his Service enter'd into a Treaty about, and agreed upon an Intermarriage between his most Christian Majesty the King of France, and the most Serene *Infanta* Dame *Mary Theresa*, eldest Daughter of his said most Catholick Majesty, to the end that the present Union, Friendship and Love that is between these two Kingdoms may be confirm'd and the better establish'd. And for this purpose, the Lords Plenipotentiaries, in the Name of the aforesaid most Serene Parties, have Treated and Agreed upon the Articles following.

I. That with the Blessing and Grace of God, his Holiness's Dispensation having been first obtain'd by reason of the too near Relation between the said most Christian King, and the most Serene *Infanta*, the aforesaid Espousals and Marriage shall be Solemniz'd by Proxy at the Court of his said most Catholick Majesty, where the most Serene *Infanta Mary Theresa* at present Resides, according to the Form prescrib'd by the Sacred Cannons and Constitutions of the Apostolical Roman Church, and by virtue of these Powers and Commissions his most Christian Majesty Promises to Ratifie and Consummate the same as soon as the said most Serene *Infanta* shall be come into and arrive in France, and the interchanging Ratifications of the said Marriage shall be, at what time shall be agreed on between their most Catholick and most Christian Majesties.

II. His most Catholick Majesty promises and obliges himself to give, and will give in Portion with the said most Serene *Infanta* Dame *Mary Theresa* his Daughter, in consideration of Her

‘ said Marriage with his most Christian Majesty the Summ of Five Hundred Thousand Crowns of Gold, to be paid to his said most Christian Majesty, or his Order, in the City of *Paris* after the manner following, *viz.* A third part at the time of the Consummation of the Marriage; another third at the latter end of the Year after the said Consummation, and the remainder six Months after that time; insomuch that the entire Summ of Five Hundred Thousand Crowns of Gold, or the full value thereof shall be paid without any Defalcation or Rebate, within the space of eighteen Months.

III. His most Christian Majesty obliges himself to secure the said Portion of the said most Serene *Infanta*, *Dame Mary Theresa* on such good Rents, Securities and Funds, as shall be always able to answer the same.

: IV. That in consideration of the full and punctual Payment to his most Christian Majesty, or his Order, of the said Five Hundred Thousand Crowns of Gold, or the just value thereof, on the Terms and Conditions aforesaid, the said most Serene *Infanta* shall hold her self contented, and be absolutely contented therewith, without ever after pretending to any farther future demands by Inheritance or otherwise, and to the end that she the said most Serene *Infanta* *Dame Mary Theresa* may the more effectually exclude her self from all such future Demands, it is agreed by and between the aforesaid most Serene Parties, that before the performance of the Espousals aforesaid, she shall make a full and ample Renunciation in due form, and with all the necessary Circumstances, of any such future pretended Right. And likewise that after the Celebration of the said Marriage she shall be oblig’d to Ratifie and Confirm the same jointly with the most Christian King her said Husband

: with the same Form and Circumstances as aforesaid, whereby they shall be both for ever concluded. And providing that they the said most Christian King and most Serene *Infanta* should neglect or omit to perform the Renunciation and Ratification before said, according to the present Contract, yet shall they be as valid as if they been really performed.

: V. That inasmuch as their most Catholick and most Christian Majesties have agreed on this Marriage for perpetuating and securing the Publick Peace of *Christendom*, and augmenting the Brotherly Love and Affection between them their said Majesties, and likewise in consideration of the great Benefit it will bring to their respective Kingdoms, which by their being so Vast and Potent it is most impotible to Unite them under one Head; their said Majesties Grant and Consent that neither the most Serene *Infanta* *Dame Mary Theresa*, nor her Issue, whether Male or Female, or Heirs of what degree or distance soever, shall succeed in the Kingdoms, States, Lordships, and Dominions which do or may at any time hereafter belong to his most Catholick Majesty, as well within as without the Kingdom of *Spain*, and this also not only during the Life of the said most Serene *Infanta* *Dame Mary Theresa*, but after her Death. In all the said beforemention’d Cases the said most Serene *Infanta* moreover farther declares her self duly excluded, together with all her Heirs, both Male or Female, or other Descendants whatsoever, although they might pretend that this Exclusion ought not to extend to them, or that they might alledge, which God forgive the occasion of, that the Catholick Line had fail’d. The said most Serene *Infanta* *Dame Mary Theresa* is hereby likewise excluded, together with her Heirs or Successors, from any right to succeed in the States of the Country of *Flanders*, and in the Earl-

doms of *Burgundy* and *Charleroy*. Moreover their said most Catholick and most Christian Majesties do hereby farther agree and stipulate, that in case the said most Serene *Infanta* Dame *Mary Theresa* should remain a Widdow, which God forbid, and without any Children from this Mariage, that then she the said most Serene *Infanta* should be quit of the said Exclusion, and be declar'd capable of succeeding in the *Spanish* Monarchy, and also entitle her Heirs and Successors to the same Priviledges, but this only under two Conditions. First, That she in this Capacity shall return into *Spain*; and Secondly, In case she be there Remarry'd by his Catholick Majesty's Consent and Approbation, or of the Prince her Brother, to any other Foreign Prince but one of *France*.

VI. That the most Serene *Infanta* Dame *Mary Theresa*, before the time of Celebrating her said Marriage by Proxy, shall oblige her self, and her Heirs, and Successors, in Writing and by Oath, to the Accomplishing and Performance of all and every part contain'd in these Articles. And likewise shall oblige her self to enter into another of the like Nature, jointly with the most Christian King her Husband upon Oath likewise, soon after she shall be arriv'd in his Kingdom, which shall be Register'd in the Parliament of *Paris*. And also his most Catholick Majesty on his part shall approve and ratifie the said *Renunciation*, and *Ratification* in the accustom'd form, and with the usual Clauses and Circumstances which shall be Recorded in his Council of State. And though all these *Renunciations* and *Ratifications* should be neglected to be perform'd according to the Tenor of these Articles; yet shall they be look'd upon as if they had actually been done and Recorded accordingly.

VII. That his said most Christian Ma-

gesty shall give to the said most Serene *Infanta* Dame *Mary Theresa*, Rings and other Jewels, to the value of Fifty Thousand Crowns in Gold.

VIII. That his said most Christian Majesty, pursuant to the Ancient and Laudable Custom of his Royal Family, shall assign and appoint to the said most Serene *Infanta*, Dame *Mary Theresa*, the Annual Stipend of Twenty Thousand Crowns of Gold.

IX. That his said most Christian Majesty shall give and assign to the said most Serene *Infanta* Dame *Mary Theresa*, for defraying the Charges of her Chamber and other Maintainance of her Court, such a Sum as shall be suitable to her Quality, as Daughter to so great a King.

X. That the said most Christian King and the said most Serene *Infanta* Dame *Mary Theresa* shall be Married by Proxy by such a Noble Man as his most Christian Majesty shall send to the Court of *Spain* for that purpose. Soon after which his most Catholick Majesty shall take care to send the said most Serene *Infanta*, at his proper Costs and Charges, to the Frontiers of the Kingdom of *France*.

XI. That in case the said most Serene *Infanta* Dame *Mary Theresa* should happen to Survive his said most Christian Majesty, that then she the said most Serene *Infanta* should be at liberty to return into *Spain* without any let or molestation whatsoever.

XII. That this Treaty and Contract of Marriage being made with design to intreat his Holiness to approve of it, their said most Catholick and most Christian Majesties do accordingly desire their Holy Father to approve thereof, and to give his Apostolical Benediction to it, as likewise to approve of the *Renunciations*, &c. which shall hereafter be made upon

upon Oath for the accomplishing thereof; intreating his Holiness farther to insert them with his *Bulls*. Moreover that their most Catholick and most Christian Majesties will approve and ratifie the same, and do promise and oblige themselves upon their Faith and Royal Words to always observe and keep it inviolably, which Letters of Ratification they will be oblig'd to deliver within Thirty Days from the Date hereof, Interchangeably to their Respective Ambassadors which shall Reside at either Court. All this the aforesaid Lords Plenipotentiaries have promised and concluded in the Names of the most Serene Parties, when were present on the part of *France*, the Duke of *Guise*, the Count of *Harcourt*, Great Master of the Horse, and Governor of *Alsace* and *Philipsburg*; the Marquess of *Clerembaud*, Governor of *Berry*; the Duke of *Creguy*, first Gentleman of the Bed-Chamber to his said most Christian Majesty; the Bailly of *Souvre*; the Count of *Olonne*; the Marquess of *Vardes*, both Captains of the *Swiss* Guards; the Marquess of *Soyecourt*, Master of the Wardrobe to his said most Christian Majesty; Monsieur *de Lyonne*, Minister of State; Monsieur *Courtin*, one of the great Officers of his said Majesty's Household; Count d' *Avaux*, another of the great Officers of the Household, and many more Lords and Knights. On the part of *Spain* were present, the Marquess of *Mondejar*, Gentleman of the Chamber to his said Catholick Majesty; the Duke of *Naxara*; the Duke of *Maqueda*; the Marquess *de los Baibarez*, Captain General of the *Gendarmes* of the State of *Milan*; the *Licenciado* Don *Joseph Gonzales*, Member of the Council and of the Chamber of the Treasury to his said most Catholick Majesty; the *Licenciado* Don *Francisco Ramos*, Member also of the Council in the Sovereignty of *Castile*; the Baron of *Vareville*, of the Council of War to his said most Catholick Majesty, and his Captain General in the

Province of *Guipuscoa*, Don *Rodriguez de Moxica*, of the Council of War to his said Majesty, and Camp Master General of the Army of *Estremadura*, and divers other great Lords and Knights. And the said Lords Plenipotentiaries have Sign'd and Seal'd the said Contract and moreover have desired me, Secretary of his said most Catholick Majesty, to give them a Copy of the said Instrument and of all others which shall be Translated, and are necessary for them to have.

The Cardinal *Mazarin*

Sign'd

Don *Lewis Mende*

All made and transacted before me Principal Secretary of State, &c. before said, and Writer and Publick Notary to his said most Catholick Majesty.

Sign'd

Pedro Colon

The *Infanta Mary Theresa*, perform'd exactly all these Articles before she came to under the Power of *France*, when she was obliged to obey her Husband, Nevertheless after she had attain'd to the Age of 20 Years and began to be better acquainted with Affairs of the World, she confirmed what she had at first done (which is worthy Remarking) by two Instruments or Acts subscribed with her own hand, and which are Registred among the Publick Acts of the Councils of *Spain*. One of these contains a full Renunciation of all Inheritance or other Rights and Demands, and the other is a Ratification for her Exclusion and yielding up her Title to all the Provinces and Kingdoms of *Spain*; both confirmed by Oath, without any Prevarication or Intention to be Absolved by Pope. The first Act of Renunciation is the following Words:

The ACT of Renunciation made by the Infanta Mary Theresa.

MAdam *Mary Theresa, Infanta of Spain*, and by the Grace of God future Queen of *France*, eldest Daughter of the most High, most Excellent, and most potent Prince, *Philip IV.* by the same Grace most Catholick King of *Spain*, my Lord, as likewise the most High, most Excellent, and most Puissant Princess *Madam Isabella*, Catholick Queen, who is in Glory, by this Instrument and Act of Renunciation, be it known and made manifest to all whom it may concern, that by the second and fourth Article of my promised Marriage with the most High, most Excellent, and most Puissant Prince *Lewis XIV.* most Christian King of *France*, concluded in the Isle called *of the Feasants*, in the River of *Bidassoa*, and upon the Confines of *France*, on the 7th of *November*, in the year 1659. it was resolved and determined by the King my Lord, to give me a Portion of five hundred Thousand Crowns of Gold, in consideration of my Marriage with the most Christian King, and which were to be paid to his said most Christian Majesty, or his Assigns, within a time limited; but that I should herewith be contented, and hold myself content, and not pretend hereafter any Title to come to me, upon the Estate or Inheritance of the said most serene Queen *Madam Isabella*, my dearest Mother, or upon the Succession of the King my Lord (whom God always preserve) and above all that which may be said to belong to me, as Daughter and Heiress to their most Catholick Majesties, and this to comprehend

both what has been thought on, and not been thought on, or been known or not known, as well on the Father's side as Mothers side, in a Right Line, or in a Collateral, mediately or immediately. And moreover, that before the Celebrating of the said Marriage by Proxy, with his said most Christian Majesty, I should give and yield up all my said pretended entire Right and Title, either to the King my Lord, or to his Successor, as it has been Stipulated in the said Second and Fourth Articles, which I have read my self, and heard read several times, before I consented to the drawing up this Instrument; which Articles I have desired may be herein inserted, as they are to be found in that Contract.

Two Articles in the Marriage-Contract inserted.

Second ARTICLE.

THAT his most Catholick Majesty promises to give, and will give with the said most Serene *Infanta Dame Mary Theresa*, his Daughter, in Marriage with the most Christian King of *France*, a Portion of five hundred Thousand Crowns of Gold, to be paid to his said most Christian Majesty, or his Assigns, in the City of *Paris*, after the following manner, *viz.* One Third part at the time of the Consummation of the said Marriage, Another Third at the end of the Year, after the said Consummation; and lastly, the remaining

maining Third Part six Months after that; so that the whole Payment of the said Sum of five hundred Thousand Crowns of Gold, shall be paid within the time and space of Eighteen Months.

Fourth ARTICLE.

THAT in consideration of the effectual Payment of the said five hundred Thousand Crowns of Gold, or the value thereof, to his said most Christian Majesty, or his Assigns, in the City of *Paris*, after the manner aforesaid, the most Serene *Infanta* Dame *Mary Theresa*, shall hold herself contented, and be content with the said Portion, and not pretend to any future Right or Claim, by virtue of being Heiress to their said most Catholick Majesties, she being to be Excluded the said pretended Inheritance, of what Condition, Nature, or Quality soever. And also that before the Solemnizing of the said Nuptials, she shall make a full and ample Renunciation of all such pretended Right; after which she shall Ratifie and Confirm the same, first singly, and afterwards jointly with the most Christian King her Husband, so soon as the said Marriage shall be Consummated, whereby both the said most Christian King and the most Serene *Infanta*, are to be concluded. And moreover, that in case his most Christian Majesty, or the most Serene *Infanta*, should neglect to make the said Renunciation, pursuant to this Contract, that then they should be looked upon as done and Registred according to the meaning of these Presents.

Now whereas by the Grace of God I the said *Infanta* have attained to the Age of twenty Years, and that in a few days, if it so please God my Marriage is to be effected by Proxy; and that whereas I am certainly informed of the substance and true meaning of those Articles, and am likewise satisfied that neither the future Succession to the King

my Lord, nor the Inheritance of the most Serene Queen my deceased Mother, can nor ought to belong to me, by reason of the Portion of 500000 Crowns of Gold which I have already had, and which is the greatest that ever any *Infanta* of *Spain* has hitherto had, and that my Lord, has been graciously pleased to give me so much, as well to oblige me, as in consideration of the great Worth of the most Christian King, to whom I am to be Marry'd; to the end that by this Marriage the great Benefits propos'd thereby may be obtained, I the said *Infanta* do desire and consent, that the said Articles may be punctually observ'd and accomplish'd in all and every part, and do moreover hold myself contented and entirely satisfied with what has been already given, and do further renounce and give up whatever does or may belong to me, either in the present or for the future, by any Rights known or unknown, to the future Succession and Inheritance of their most Catholick Majesties my Parents, either on account of Maintenances or Portion, without offering to pretend hereafter to any farther Sum or Inheritance than I have already had given me. And further my Will is, that this Renunciation shall not only extend to the most Catholick King my Father, but likewise to his Heirs and Successors, either in a right or collateral Line, all whom I acquit of any future Pretensions, of what nature or quality soever they be, leaving them, or either of them, at full liberty to dispose of their said Dominions, either by Grant or Will, to whomsoever they shall think fit, without taking any more notice of me than if I were a Stranger, or giving me the least Legacy, or making any or the least mention of me; and this without making any Complaint, or suffering any to do it in my Name. And moreover tho' it should happen that at the time of the Death of my most Honoured Lord and Father his most Catholick

I lick Majesty (which Heaven avert) I
 should be his only Surviving Child, by
 reason of the Death of his other Children
 and their Issue, I notwithstanding re-
 nounce both for my self and my Heirs,
 all manner of Title, as aforesaid, and do
 hereby promise, that out of what Consi-
 deration or Pretextsoever, I will not at
 any time hereafter permit or suffer any
 Person to act in my Name, contrary to
 this my *Renunciation*, and do withal quit
 and forego all Claims or Pretensions
 whatsoever, which do or may belong
 to me, either by the Laws of these King-
 doms, or any particular Privilege, and
 especially by Restitution *in integrum*,
 founded upon my being under Age, or
 any wrong done me by pretending that
 my Portion was the cause of the said
 Contract, or upon my not knowing
 wherefore I make this *Renunciation*. All
 this I have said and done to the end that
 none of these Remedies may be of any use
 to me, in evading this my Act of *Renun-
 ciation*, or of any use to my Heirs or
 Successors, firmly desiring, that neither
 They nor I may be admitted, in case
 we, or either of us, should offer to make
 any such Pretensions, but that both they
 and I may be always Excluded from any
 such pretended Remedy: And I do here-
 by further promise on my Royal Word,
 that I will observe this *Renunciation* in-
 violably, under forfeiture of whatever
 Goods or Rents I have or may have:
 And I do moreover give Power to his
 Majesties Council, and to that of the
 Kings his Successors, or to any whom
 they shall appoint to see this Act put in
 Execution, that they do see it done ac-
 cordingly, in all and every part and par-
 ticular whatsoever; and to make this the
 more valid, I do Swear by the Holy
 Evangelists contained in the Mass-Book,
 laying my Right Hand upon the said
 Book, That at all times, and as much
 as it shall lie in my power, I will ob-
 serve and accomplish this said Re-

nunciation, without offering to alledge,
 as an evasion, that I have been drawn
 into or persuaded to the same, thro' a
 Respect and Veneration that I owe and
 bear to the King my Lord, who yet has
 me under his Paternal Care. I also fur-
 ther promise, not to have recourse for
 the future, at any time or times, either
 to our most holy Father, or to the holy
 Apostolical See, nor to his Holinesses
 Nuncio or Legat *a latere*, nor to any other
 Person that has or may have Power to
 Absolve me from my aforesaid Oath;
 and altho any other Person should pre-
 tend to demand any such Absolution in
 my Name, and that it should be grant-
 ed, I do hereby solemnly Promise upon
 my Royal Word, to take no advantage
 of it, or to make any the least use of
 it whatsoever. And providing that I
 should be thus accordingly Absolv'd
 from my said Oath one or many times,
 I do Solemnly Promise to take as many
 new Oaths as I have had Absolutions,
 and never to make any Publick Protest
 or Reclamation of my said Promise. I
 do farther Engage and oblige myself,
 under the strictest Ties, that assoon as I
 shall be conducted to his most Christian,
 Majesty, my Royal Spouse, I will toge-
 ther with him enter into another Act of
Renunciation, together with all the Clau-
 ses, Oaths, and Obligations necessary,
 and will moreover Ratifie and Confirm
 this that I have now made in this City
 of *Fontarabia*, in the presence of the King
 my Lord and Father, and of all this Court,
 this Second day of *June*, in the Year
 1660. And his said most Catholick
 Majesty, to fortifie the forementioned
 Act of *Renunciation*, does hereby Sup-
 ply and make Good, by his Royal Au-
 thority, all such Defects and Omissions
 as may be found in the said Act of *Re-
 nunciation* made by the most Serene In-
 fanta, and future Queen of *France*, Dame
Mary Theresa, his most dear and well-
 beloved Daughter; and does further by
 his

his said Royal Authority, Confirm and Approve the same ; in pursuance whereof his said Majesty has commanded this Instrument to be Sealed with his Royal Seal, and also Signed it himself, together with the most Serene Infanta his most Dearly-beloved Daughter, in the presence of

Don Lewis Mendez de Haro, Marquess of *Carpio* and Count-Duke of *Olivarez*.

As likewise in the presence of *Don Ramiro Mendez de Gusman*, Duke of *Medina de las Torres*.

Don Gaspar de Haro, Marquess of *Eliche*.

Don John Dominic de Gusman, Count of *Monterey*.

Don Diego de Arragon, Duke of *Terranova*.

Don Guillen, Ramon de Moncada, Marquess of *Aytana*.

Don Pedro Puerto Carrero, Count of *Medellino*.

Don Pedro Coloma of *Portugal*, Duke of *Verraguas*.

Don Antonio de Peralto Hurtado de Mendoza, Marquess of *Mondeja*.

Don Alonso Perez de Gusman, Patriarch of the *Indies*.

Don Alonso Perez de Vivero, Count of *Fuensaldagne* of the Council of State.

Don John de Caravajal ; And

Don Sardi, both of the Council and Chamber.

Don Diego de Sajada, Bishop of *Pampeluno*.

And many other great Lords and Knights.

I the KING.

Signed

MARY THERESA.

I *Don Fernando de Fonseca Ruiz de Contreras*, Marquess, *Lipalla*, Knight of

the Order of *St. Fago*, Member of the Council of War of the *Indies*, and of the Chambers and Courts thereof, Principal Secretary of State to his said most Catholick Majesty, and Publick Notary throughout all his Kingdoms, and other Dominions, who have been present at the Executing and Publishing of the abovesaid Instrument of *Renunciation* and of the Second and Fourth Article of the Marriage between her most Serene Highness the Infanta Dame *Mary Theresa*, and the most Christian King *Lewis XIV.* of *France*, do testify that not only the said Instrument is Just and Authentick, but likewise the said Articles have been faithfully Extracted from the Originals in my keeping and Possession : In Witness whereof I have Subscrib'd my Name.

Sign'd

Don Fernando de Fonseca

Ruiz de Contreras

The other Instrument or Act of Exclusion, and of yeilding up all manner of Title and Right to the Kingdom and Dominions of *Spain* the abovesaid Infanta *Mary Theresa*, as a Sworn Judge, sitting in a Tribunal, pronounc'd Sentence in Favour of as follows.

That all Usurpation or Attempt made contrary to the true Intent and Meaning of her said Instrument of *Renunciation*, should be esteem'd an Illegal Violation, and Unlawful Invasion made against all Reason and Conscience ; and likewise be looked upon as a Tyrannical Usurpation ; and on the contrary what Endeavours were made use of to oppose such a Wrong should be construed most Just Allowable and Legal ; and moreover that it is the Duty of all Subjects of *Spain*, and its Dependancies, to use the utmost Efforts for that purpose.

The Second Instrument of Renunciation, made by the most Serene Infanta Dame Mary Theresa.

M^Adame Mary Theresa, Infanta of Spain, and by the Grace of God future Queen of France, Eldest Daughter of the most High, the most Excellent and most Puissant Prince Don Philip IV. by the same Grace, most Catholick King of Spain, My Lord, whom God always have in his Divine Keeping and Protection, and also Daughter of the most High, most Excellent, and most Puissant Princess Madame Isabelle the late Catholick Queen, of most Glorious Memory, my Mother, and Lady who is in Heaven. To the end that this following Instrument and Act of Approbation, Confirmation, and Ratification may remain in Eternal Memory, I the said most Serene Infanta do make known and manifest to all Kings, Princes, Potentates, Republicks, Commonwealths, and to all private Persons, who are at present in being; or shall be for the time to come; that inasmuch as the most High, most Excellent, and most Potent Prince Lewis XIV. most Christian King of France and Navarre, and my Cousen Germain, has by his Ambassador, the Duke of Grammont, demanded and propos'd Espousals and Marriage, in the Name of the said most Christian King my Cousen, of and to

' the most Catholick King my Lord and
' Father; And that his said most Catho-
' lick Majesty in consideration of the just
' esteem and deference he had for the said
' Proposal, agreed with and granted the
' same, having first obtain'd his Holiness's
' Dispensation, in regard of the too near
' Relation there was between me and his
' said most Christian Majesty my Cousen,
' which Grant and Agreement was accor-
' dingly drawn up, and Sign'd on the 7th
' of November, in the Year 1659. in the
' Isle call'd of the Feasants, Scituate in the
' River of Bidassoa, on the Confines of
' both the Kingdoms of Spain and France.
' And that in the Fifth and Sixth Arti-
' cles of the said Treaty of Marriage it
' has been Agreed and Resolv'd after Ma-
' ture Deliberation, as a thing most Right
' and Reasonable, that both I and the
' Infanta Mary Theresa, and the Issue which
' God shall give me in this Marriage
' with his said most Christian Majesty,
' shall be renderd Uncapable and abso-
' lutely excluded from any Right to, or
' Hopes of Succeeding in any of the
' Kingdoms States and Dominions which
' compos'd the Monarchy of Spain, as
' likewise in all such as his most Catholick
' Majesty may for the future add to
' that Crown, and after his long and happy
days

Days (which God grant may be such) that may be added by any of the Kings his Successors; and tho' by entring into a conditional Contract and Agreement with Sovereign Kings and Princes (who as to the Temporal Estate acknowledge no Superior thro' Courtesy, and in favour of the publick Good of both Kingdoms, and in condescension to this, together with the common desire and wish of their natural born Subjects and Vassals, who pray that it should have the force and vigor of a Law, and Pragmatical Sanction; and that it be receiv'd and observ'd as such; For which purpose it seem'd, that to make it firm and valid, no other Solemnity was requir'd; yet nevertheless their Majesties desir'd, that if my Approbation was requisite upon any Consideration whatever, I should give it, as soon as it should happen that the concluded Marriage should be Celebrated, and concluded by both Parties present; and that my Approbation should be allowed, with all the necessary Clauses and Solemnities, according as it is stipulated and agreed; particularly by the Act of 10 Articles, the Tenor of the 5th. and 6th. whereof, drawn out of the Original, is inserted here Word by Word, as follows.

V. 'That whereas their Catholick and Most Christian Majesties have consented, and do consent to this Marriage, that by this Tie they may perpetuate, strengthen, and secure the publick Peace of *Christendom*, and the Love and Amity mutually wish'd, for betwixt their Majesties, and upon consideration of the just Causes, which shew and evince the Conveniencies of the said Marriage; by means whereof, with the favour and grace of God, there's reason to hope a happy success towards the Welfare and Increase of the Christian Faith and Religion, and the common Benefit of the Kingdoms, Subjects and Vassals of both Crowns; considering at

the same time that it imports the good of the Kingdoms and States, and their Preservation: That by reason of their Greatness and Extent they should never come to unite, and that the Occasions of their Union should be prevented; as also upon Consideration of an Equality and Ballance, and other just Reasons, it was agreed by mutual and conditional Compact, which their Majesties Will and Command, that it should have the Force and Vigor of a constant and firm Law, in favour of their Kingdoms, and the publick Interest thereof, that the most serene Infanta the Lady *Maria Theresa*, and her Issue Male or Female, and their Descendants, whether first, second, third or fourth Born, and so forward, in any near or remote Degree whatsoever, to perpetuity and forever, be incapable to Succeed in the Kingdoms, States and Seignories of his Catholick Majesty, specified in this Treaty, or in any other Kingdoms, States, Seignories, Provinces, adjacent Islands, Fiefs and Frontiers, which his Catholick Majesty has and enjoys at present, and which do or may belong to him, both within and without *Spain*: And which for the Time to come his Catholick Majesty, and his Successors shall have and possess: Or in any States comprehended, included, and contain'd in them, or in any thing that shall be acquir'd at any time whatsoever, and shall accrue or be annex'd to the said Kingdoms, States, and Seignories, and which shall be recover'd, or shall Devolve to them, upon what Title or Occasion whatsoever, either during the Life of the most serene Infanta the Lady *Maria Theresa*, or afterwards during that of any of her Descendants, first, or second Born or others, if the Case or Cases should happen, in which either by Right, Laws, or Customs of the said Kingdoms, States and Seignories, and by the Dispositions and Titles whereby one Succeeds

or should pretend to succeed, the Succession might belong to them, because it is now declar'd, that the said most Serene Infanta *Maria Theresa*, is and remains excluded from the same, and from the Right, Hopes or Expectation of being able to succeed in these Kingdoms, States and Seignories, all and every one of them, and all her Children and Descendants, Male and Female, notwithstanding whatever they should or might alledge or pretend; that in their Persons the Reasons of the Publick Good, or others upon which this Exclusion may be founded, did not concur, and ought not to be regarded; that the Succession of his Catholick Majesty, and of the most Serene Princes and Infanta's, and of the other Children, (which God forbid) should have fail'd, because even then they ought not to succeed, nor pretend to succeed in any Case, Time, or upon what Accident or Event whatsoever; neither she, her Children, nor their Descendants, without regarding the said Laws, Customs, Ordinances, Statutes and Dispositions, by Virtue whereof the Succession is continued and confer'd in the said Kingdoms, States and Seignories; and notwithstanding any Laws, and Customs of the Crowns of *France* whatsoever, which are contrary to this Exclusion, to the Prejudice of her Successors both for the Time present, and to come, whenever the Succession shall happen to fail, from all and every one of which Laws their Majesties ought to derogate, and the same abrogate and make void, as far as they may be contrary to, or hinder the Contents of these Articles, and the Accomplishment and Performance of the same; and that it is to be suppos'd and understood, that by the Approbation of this Treaty they derogate from them, and hold them as derogated from; and that it be suppos'd and understood, that the Lady Infanta, and her Descendants, re-

main and are excluded from all Right of succeeding in any Case, or Time whatsoever, in the States and Netherlands of *Flanders*, County of *Burgundy* and *Charolois*, with all Appurtenances.

However, it is likewise expressly declar'd, that if it should happen (which God avert) that the most Serene Infanta should come to be a Widow, without having any Children by this present Marriage, in such a Case she shall be, and remain free and exempt from the Exclusion above mention'd, and shall be able to enjoy her Right of Succession, in all that may belong to her, in these two Cases; first, if being a Widow and Childless by this present Marriage, she shou'd return into *Spain*; Secondly, if for the Conveniency of the publick Good, and upon just Considerations, she should marry again with the Consent of the Catholick King, her Father, and of the Prince of *Spain* her Brother; in both which Cases she shall remain capable, and able to Inherit and Succeed.

It is also stipulated and agreed that the most Serene Infanta *Maria Theresa*, shall cause a Deed to be made before the Celebration and Contract of Marriage, whereby she shall engage, and promise, both for her self, her Children, Descendants and Successors, to observe, maintain, accomplish and perform the Premises, and the Exclusion both of her self, and her Descendants; approving the same, according as it is contain'd in this present Treaty, with the necessary Clauses, and Oaths; and that having inserted this Treaty, and the Act of Obligation and Approbation, which her Highness shall have made, she shall make another like unto that, jointly with the most Christian King, as soon as she is Married to his Majesty, which ought to be Recorded and Registred by the Parliament of *Paris* in due Form, and with the usual Clauses, and his Catholick Majesty shall, and is oblig'd to approve

prove the said other Renunciation in due Form, and with the accustom'd and other necessary Clauses, causing likewise the same to be Past and Register'd by the Council of States, and the said Renunciations and Approbations being either made, or omitted, and not made, from this present Time forward, by virtue of this Treaty, and the Marriage which shall ensue, in pursuance thereof, they are holden and reputed as made, dispatch'd, past, and Registred by the Parliament of *Paris*, by the Proclaiming of the Peace in that Kingdom.

And forasmuch as after the above-mentioned Treaty, our most holy Father *Alexander VII.* has granted his Dispensation for the near degrees of Kindred which are between the said most Christian King and Me, and Approv'd and Ratified our Contract and Articles of Marriage, by his Apostolical Authority and Benediction; And that the Case and Time is now come, wherein the Marriage is to be Celebrated and Consummated, with God's Blessing, and, as 'tis to be hop'd, for his Glory and Service, the Exaltation of the holy Faith, and the Tranquility of the Christian Commonwealth; by which means the Case and Time is now come, wherein I ought to perform for what concerns my self, (before my Espousals and Marriage) the Contents of the Articles fifth and sixth, which are inserted in the Act. And whereas I find my Self arriv'd to Majority, being 20 Years of Age, wherein it has pleas'd the Almighty to give me Judgment and Discretion, to understand and comprehend the Substance and Effect of the said Articles, of which I am certainly persuaded, having often inform'd my self concerning the Legality and Conveniency of the same, and for the space of six Months, during which they have been Debating, and at last concluded and agreed on, tho' it ought to suffice for my Satisfaction, and their Justification, to know, that this Affair was examin'd and agreed on by the King my Lord and Father, who so kind-

ly, so indulgently, and so carefully endeavours to procure my Good, and at the same time that of the Kingdoms, which God has entrusted him with, and which together with those of *France* are equally concerned, that the Grandeur and Majesty they have maintain'd and preserved in themselves, for so many Ages, with so much Happiness, and so much Glory, for the Name of the Catholick and most Christian Kings, be not diminish'd; and they would necessarily diminish and decay, if by the means, and by reason of this Marriage, they should come to Unite and Join in any of my Children and Descendants, the success whereof would cause Discontents and Grievances among the People, and of which it may justly be feared, that such Inconveniences and Harms would result, which are soon and more easily known and prevented, before they happen, than redress'd and remedied, after they are come to pass and have been felt. And therefore it has been thought fit and convenient to obviate such Inconveniences, lest this Marriage should cause Effects contrary to those which are expected, and ought to be hop'd for from it. Over and above that, by means of this precedent, and in imitation thereof, reciprocal and interchangeable Marriages between my Children and Descendants, and those of the King my Lord and Father, will henceforward be facilitated; which consideration brings a particular Comfort and Satisfaction to me, forasmuch as it will be a means to renew from Time to Time the Bonds of Consanguinity and Kindred, and more effectually to strengthen and confirm the Alliances, Amities and good Correspondence which have been so happily begun and contracted between these 2 Kingdoms, and which will be continued to the Glory of God, and shall Gloriously remain between them, and the Catholick and most Christian Kings, which being for the Publick and Common Good, ought therefore with great reason to be prefer'd to my pri-

'ate Interest, and that of my Children
 'nd Descendants; which, in the present
 'State, ought to be little regarded, be-
 'cause it is very remote, as every one
 'knows; and what occurs to my
 'greater satisfaction in this Act is, that in
 'granting the same, I conform my self to,
 'and follow the Example of that which
 'was granted and made by the most High,
 'most Excellent, and most Potent Prin-
 'cess the Lady *Ann*, Infanta of *Spain*,
 'and now most Christian Queen of
 'France, and my most beloved and ho-
 'noured Aunt and Lady, upon account of
 'her Marriage, and before the same;
 'and besides the publick Considerations,
 'and Causes abovemention'd, and that
 'of securing and preserving the Peace
 'betwixt the two Crowns (which also
 'concur'd and were alledg'd in the said
 'Treaty and Renunciation) there has con-
 'cur'd in the present State, and it has been
 'consider'd as a publick Reason, and at the
 'same time the greatest and most Principal
 'for the Renunciation granted in my
 'Contract of Marriage, that the said
 'Marriage was acknowledg'd to be the
 'most principal means and cause of the
 'Pacification after a War of Five and
 'Twenty Years, between the Catholick
 'and most Christian Crowns (wherein,
 'either through Alliance or Dependence,
 'the greatest Potentates of *Christendom*
 'had concern'd themselves) to the Uni-
 'versal Good of all, and particularly
 'of the Catholick Religion; both which
 'had very much suffer'd by the War;
 'nor was there any other way to remedy
 'those Evils but a Peace granted and
 'concluded by reason of this Marriage,
 'to which the King, My Lord and Fa-
 'ther, would never consent without the
 'Renunciation first granted, as it has been
 'alledg'd in the first Article of my Con-
 'tract of Marriage, and in the 33d of
 'the Treaty of Peace between the two
 'Crowns, which, upon this Consideration,
 'has reference to the particular Treaty
 'made about the Conditions of my Mar-
 'riage, and both these Treaties have

'the same date; and in the said 33d Ar-
 'ticle of the Peace, it is declared that the
 'said Treaty, made about the Conditions
 'of my Marriage, notwithstanding it was
 'separate, should have the same Force and
 'Vigour with that of the Peace; as being
 'the most principal part of it, and the
 'most precious Pledge and Earnest of its
 'firm Duration. Wherefore of my own
 'accord and motion, free and spontaneous
 'Will, and having certain Knowledge of
 'the Act I now make, and of what it im-
 'ports, and may import my Consent, I
 'approve, confirm and ratify, in the best
 'Form and Manner I can, and ought, the
 'said Agreements according to, and in
 'the manner the same, contain'd more
 'particularly in the said 5th Article; and
 'in case it should be thought necessary
 'and convenient, I give my absolute and
 'sufficient Power to the King My Lord,
 'and to the Most Christian King, that
 'they may agree, conclude and ratify it
 'anew. Tho' in Performance, and
 'by Virtue of the said Article, I declare
 'and hold my self, with my Children and
 'Descendants by this Marriage, included,
 'removed and absolutely debarr'd without
 'any Limitation, difference or distinction
 'of Degrees, Sexes and Times, from the
 'Action and Right of succeeding in the
 'Kingdoms, States, Provinces, Domini-
 'ons and Seigniories of this Crown of
 '*Spain*, express'd and declar'd by the same;
 'and that I Will, and Consent, both for my
 'self, and for the said my Descendants,
 'that from this time forward, as then they
 'may be holden and reputed, made over,
 'yielded and transferr'd to him who will
 'be next in degree (because both I and
 'they are excluded and incapable) and
 'immediate to the King, by the decease
 'of whom the Kingdom shall become
 'void, whereby the Succession of the said
 'Kingdoms ought to be regulated and con-
 'ferr'd, and that he may hold and possess
 'them as Lawful and true Successor, inlike
 'manner as if I, and my Descendants, had
 'never been Born or come into the World,
 'Because

"because we ought to be accounted and
 "reputed such, that neither in my Per-
 "son nor theirs any active or passive Re-
 "presentation, Principle of Continuation of
 "Lineage, affective or comprehensive of
 "Substance, Blood or Quality may be con-
 "sider'd, regarded or depended upon; nor
 "draw the Line of Descent, and Com-
 "putation of Degrees from that of my
 "Lord the King, nor from that of the
 "King's his glorious Predecessors, nor
 "upon any other account, in order to
 "step into the Succession, or prepossess
 "the Degree of Proximity and Relation,
 "and thereby exclude the Person, who (as
 "has been said) shall be found next in
 "Degree; And I promise, and engage up-
 "on my Royal Faith and Word, that as
 "far as it is and shall be in my Power,
 "and of my said Children and Descen-
 "dants, the Observation, accomplishment
 "and Performance of the said Article, and
 "of this Act of mine, which I make to
 "approve, confirm and ratifie the same,
 "shall be kept inviolable, at all Times and
 "in every Thing, without permitting or
 "allowing any thing to be done to it
 "contrary, directly or indirectly, wholly,
 "or in part; And I forego, yield and
 "give over, all and any Remedies what-
 "soever, known or unknown, ordinary,
 "or extraordinary, which by common
 "Right, or particular Privilege and Pri-
 "vilege, might belong to Me, or to my
 "said Children and Descendants to plead
 "or alledge against the Premises; And I
 "renounce them all, especially that of Re-
 "stitution *in integrum*, founded upon Ig-
 "norance, or inadvertency by Reason of
 "my being under Age, or upon the evi-
 "dent, enormous and most exorbitant
 "Wrong, which might be consider'd and
 "found in this Renunciation and foregoing
 "the Right of ever being able to succeed
 "in so many, and so great Kingdoms,
 "States and Seignories; And I consent and
 "agree that none of the said Remedies,
 "nor any others of what Name, Character,
 "Importance, and Quality toever they be,

"may or shall serve us either judicially
 "or extra-judicially, and that, if we
 "should insist upon them, or endeavour
 "to make 'em Good before any Tribu-
 "nal of Justice, that then and in such a Case,
 "we may be denied and debarr'd all man-
 "ner of Hearing; And if under any ill
 "pretended Colour, of default of Justice
 "done (because we have really no Title
 "to succeed in the said Kingdoms) we
 "should go about to seize upon them by
 "force of Arms, making or levying offer-
 "sive War, that from this Time as well
 "as then, it may be holden, reputed and
 "declar'd unlawful, unjust, and wrongfully
 "undertaken; and a Tyrannical Vio-
 "lence, invasion and usurpation, both a-
 "gainst Reason, Equity and Conscience;
 "and on the contrary that that War may
 "be accounted, and deem'd just, lawful
 "and warrantable, which shall be made
 "or levy'd by him who ought to succeed,
 "Exclusive of me, and of my said Chil-
 "dren and Descendants, whom the Subjects
 "and Vassals ought to receive and obey,
 "and to him swear Allegiance, and pay
 "Homage and Service as to their law-
 "ful Lord and King; and I affirm and
 "certifie that to make this Act of Re-
 "nunciation, I have not been induc'd,
 "allur'd or perswaded by the Respect
 "and Veneration I owe to, and have for
 "my Lord the King, as a most potent
 "Prince, and as a kind and loving Fa-
 "ther, whom I ought to, and do love,
 "and who has kept me under his pater-
 "nal Care, because really and truly in
 "all that has been transacted, and is now
 "transacting in relation to the Conclun-
 "on and Effect of this present Marriage,
 "concerning the said Agreement and Arti-
 "cle of my Exclusion, and of my Chil-
 "dren and Descendants, I have had all
 "the freedom and liberty I could desire
 "to speak and declare my Will, without
 "any Threats or Menaces being us'd by
 "Him or any Person, to induce me there-
 "unto, or compel me to do any thing
 "against my Will; And that for the great

ter Validity, and Assurance of what has been said, declar'd and promis'd on my part, I solemnly swear by the Gospels contain'd in this Mass-Book, (upon which I lay my right Hand) that I shall keep, maintain, and perform the Premises in every thing and every where, and that I shall not demand any Dispensation from this Oath of our most Holy Father, nor of the Apostolical See, nor of his Legate, or of any other who might have Authority to grant the same, and that if it should be granted to me at my request, or at the Request of any University or Corporation whatsoever, or of any private Person, or *Motu proprio*, altho' it were only to be capacitated to enter upon a Law-Suit, without touching or examining the Substance of those Remedies, or the Force and Validity of this Act, and of the Treaty which I approve hereby, I shall not take advantage or make use of it, but on the contrary, in case it should be granted to me, I shall make another Oath like unto that, that there may be always be and remain one after all the Dispensations which shall be granted to me. And under the same Oath I promise and declare that I neither make, nor will make any Protestation or Reclamation in publick or in private which may hinder, diminish or impair the Force of the Contents of this Act, and that in case I should make any (altho' it be under an Oath) it shall be of no Validity, Force or Effect; and I beseech his Holiness, that since this Marriage, and Treaty has been concluded, and agreed upon by and with his Holy and Apostolical Approbation, and is to be Consummated, and Celebrated with his Benediction, He may be pleas'd to strengthen the force of the Tie, and Religion of this Oath, by the Authority of his Apostolical Confirmation; and I promise and engage that, pursuant to, and for the Performance of the 5th Article above-mention'd, as soon as I shall arrive at the place where the King

of France is to receive me, I shall make and cause to be made, by his Interposition and Authority, and jointly with his most Christian Majesty, and with all necessary and convenient Clauses, Oaths and Conditions, another like Deed of Confirmation and Ratification of that which has been made and past in this City of Fontarabie, where is at present the Catholick King, my Lord, with his Court, and Retinue, on the second Day of June of this present Year 1660. in the presence of the King our Master. And for the greater Solemnity, Authority and Validity of this Act, his Catholick Majesty has declared for the Performance of the 5th and 6th Articles therein inserted, that in Consideration of the Publick Cause, and common Good of his Kingdoms, and of the Subjects and Vassals thereof, He confirm'd and has confirm'd this Act, according to and after the same form as the most serene Infanta the Lady Maria Theresa, Queen of France that is to be, his most dear and most beloved Daughter, and that of his own Motion and accord, certain knowledge, full and absolute Power, and as King and Lord, who acknowledges no Superiour as to his Temporal State, be supply'd, and order'd to be accounted supply'd by his Royal Authority any Defects or Errors whatsoever, or omission of Fact, Right, Substance, Quality, Stile or Custom, which may happen to be in this Act: And that he approved and confirm'd especially and particularly the said 5th Article, and what is concluded and agreed on by the same between his Catholick Majesty, and the most Christian King of France: And that he commanded and order'd that it should have the Force and Vigour of a Law, and Pragmatical Sanction, and as such be receiv'd, kept, observ'd and executed in his Kingdoms, States and Seignories, notwithstanding all Laws, Ordinances and Customs whatsoever to it contrary, from which he derogated, and which he commands to be accounted derogated from

from and abrogated for this Time, al-
 tho' they be such, and of that quality,
 that for their Derogation, a more express
 and particular Mention should be requi-
 site and necessary: And commanded the
 same to be Seal'd with his Royal Seal,
 and that it should be Registred, and pub-
 lish'd in his Chamber-Council, and in
 other Places as shall be requisite: All
 which has been transacted in the Pre-
 sence of Witnesses call'd and summon'd
 for that purpose, viz. Don Luis Mendez
 de Haro, Count and Duke d'Olivares, Don
 Ramiro Nunnez de Guzman, Duke de Me-
 dina de las Torres, Don Gaspar de Haro,
 Marquess de Eliche: Don Juan Domingo
 de Guzman, Count de Monterey; Don
 Diego of Arragon Duke de Terranova;
 Don Gillen Ramosi de Moncada, Marquess
 de Aytona; Don Pedro Portocarrero, Count
 de Medellin; Don Pedro Colon of Portu-
 gal, Duke de Veraguas; Don Antonio de
 Peralta Hurtado de Mendoza, Marquis
 de Mondejar; Don Alonso Peres de Vive-
 ro, Count of Fuensaldagne of the Coun-
 cil of State, Don Juan de Caravajal and
 Sandi of the Council, and Chamber, Don
 Diego de Teada Bishop of Pampeluna, and
 other Lords, Cavaliers and Domesticks of
 his Majesty, who, were there present.

Signed.

I, the KING, I, MARIA THERESA,
 I Don Ferdinand de Fonseca Ruyz de Con-
 treras Marquess of La Lapille, Knight of
 the Order of St. Jago, of the Councils of
 War, the Indies, and Chamber thereof, Se-
 cretary of State, and of the Universal Dis-
 patch, and Notary in his Majesties Kingdoms
 and Seignories, who have been present at the
 taking of the Oath, and at the whole Trans-
 action abovemention'd, do certify, that the
 Articles above-written, have been faithfully
 Copied from, and collated with the Original
 in my Custody. In Witness of the Truth
 whereof, I have thereunto Subscribed my Name.

Don Ferdinand de Fonseca
 de Ruyz de Contreras.

This Act has also been Strengthened
 by the Peace of the Piracies, of which it
 was not only the most principal and wor-
 thy part, according to the 33^d Articles,
 but also the Greatest and most precious
 Pledge of its Duration and Continuance.
 Therefore the Contract of Marriage, and
 its Observation, have been express therein,
 almost *Verbatim*; insomuch that whatever
 has been made use of by both Kings to
 Support and Strengthen the Peace, ought
 to be accounted to have given fresh Force
 and Vigour to the Contract of Marriage;
 As also the Abdication, Cession and mak-
 ing over of all the Rights contain'd in
 the Contract of Marriage, and in the
 Renunciation ought to be repeated in the
 Treaty of Peace; And consequently, all
 that has been abovemention'd concerning
 the Validity of the Peace, founded upon
 the Laws of Nations, ought likewise to
 take Place in this Occasion. It will not
 be improper to set down in this Place
 the said 33^d Article, with the Conclusion
 of the Treaty.

Article XXXIII.

And to the End that this Peace and Uni-
 on, Confederacy and Good Correspondence,
 may (as its desired) be more firm, durable
 and indissoluble, the said two Principal Mi-
 nisters Cardinal Duke and Marquess, Count
 and Duke, by Virtue of their Special Full-Powers
 obtain'd for that purpose of the two Kings,
 their respective Lords, have agreed and con-
 cluded in their Name, a Marriage between
 the most Christian King, and the most serene
 Infanta, the Lady Mary Theresa, Eldest
 Daughter to the Catholick King; and on the
 same day of the Date of these Presents,
 made and signed a particular Treaty, wherein
 the reciprocal conditions of the said Mar-
 riage, and the Time of its Celebration are
 agreed upon, which Treaty by itself, and
 Articles of Marriage, have the same Force and
 Vigor with this Treaty of Peace, being the prin-
 cipal and most worthy Part of it, as well as
 greatest and most precious Pledge of its firm
 Duration.

The

The CONCLUSION of the Treaty of Peace of the Pirenees.

AND for the greater security of this Treaty of Peace, and of all the Heads and Articles therein contain'd, the said Treaty shall be verified, publish'd and Registred in the Court of Parliament of *Paris*, and in all other Parliaments of the Kingdom of *France*, and Chamber of Accompts of the said City of *Paris*; as likewise the said Treaty shall be verified, publish'd and register'd as well in the grand Council and other Councils and Chamber of Accompts of the said Catholick King in the *Netherlands*, as in the Councils of the Crowns of *Castile* and *Aragon*, the whole according to and after the Form of the Treaty of *Vervins*, made in the Year 1598. Copies whereof shall be interchangeably delivered three Months after the Publication of the present Treaty.

Which Heads and Articles above-mention'd, together with the Contents of them and every of them have been treated on, agreed, pass'd and stipulated between the aforesaid Plenipotentiary of the said Lords the most Christian and most Catholick Kings, in the names of their Majesties, which said Plenipotentiaries by virtue of their full Powers, Copies whereof are inserted at the end of this present Treaty, have promis'd and do Promise, under the Forfeiture of the, and every of the Estates, both present and to come, of the Kings their Masters, that the same shall be by their said Majesties inviolably observ'd and perform'd; And to cause them to ratifie the same absolutely without adding to or diminishing from the same, and to deliver reciprocally one to another Authentick seal'd Letters, wherein the present Treaty shall be inserted Word for Word, within the space of 30 Days from the Date hereof, or sooner if possible, Moreover the said Plenipoten-

aries, in the Names of their Masters aforesaid, have promised, and do promise, that the said Letters of Ratification being exchange'd, the said Lord the most Christian King, as soon as it may conveniently be done, and in the Presence of such Person or Persons, which the said Catholick King shall please to appoint, shall solemnly swear upon the Cross, Holy Gospels, Canons of the Mass, and upon his Honour fully, really and honestly to observe and perform all the Articles of this present Treaty, and the like shall also be done as soon as may be by the said Lord the Catholick King, in the presence of such Person or Persons, which the said, the most Christian King, shall please to appoint. In witness of all which, the said Plenipotentiaries have subscrib'd the present Treaty, and caus'd it to be seal'd with their Coats of Arms, In the Isle call'd of the *Pheasants*, on the 7th of November 1659.

Sign'd,

Cardinal *Mazarin*.

Don *Lewis Mendez de Haro*.

It had indeed suffic'd to confirm likewise the Renunciation of *Maria Theresa*, by the consent of the States of *Spain*, that the *Pirenean* Treaty, and the Contract of Marriage were transacted and proclaim'd in the Presence of so many Grandees, and other Persons, and registred in the Records of the Councils. However, a more particular and express solemnity was us'd in the States of the Kingdom, assembled in 1662 and afterwards, to make it the more Authentick. But because we have treated of it before, where we had occasion to speak of the Renunciation of *Anna*, for brevity's sake, we shall content our selves to refer our Readers thither.

'Tis now high time to speak of the *Consent* and Ratification of the most Christian King himself, which were not wanting upon this occasion, tho' altogether unnecessary to validate the Deeds of the Infanta Maria Theresa, who was not yet tied to that King, by the *Conjugal Bonds*: For by the common Laws, both of Nature and of Nations, she had full Power and Liberry to do that before Marriage, which after her Marriage might conduce to the Good of her Paternal Family, and the safety and Honour of her Country; the rather because other Infanta's of Spain, who were to be Married into the French Family, had done the like before her, with the Approbation and Applause of the States and People of both Kingdoms, and even with the Congratulation of Foreign Princes; and because she knew besides, that the same Thing had been heretofore desir'd and expected by her Ancestors, and commonly practis'd in other Countries. Now for

what concerns the most Christian King's *Consent*, we cannot sufficiently admire at the imprudence, or to speak more properly **IMPUDENCE** of those French Writers, who have been so bold as to affirm, that Cardinal Mazarin had consented to the *Renunciation and Exclusion*, without having any orders for it; since the general Orders he had, tho' unlimited, and with a supplemental Cause could not suffice for an Affair of so great Consequence, which requir'd a particular Order, unless it were express'd before. Now the said Contract of Marriage shews, that every Thing therein contain'd has been done by Virtue of the respective full Powers and Orders of both Plenipotentaries, which Contract the most Christian King has inserted *Verbatim* in the Solemn Ratification. We now speak of the particular Ratification of the Contract of Marriage, the Beginning and End whereof are as follows.

The French King's Ratification of the Contract of Marriage.

LEWIS, by the Grace of God, King of France and Navarr, to all those to whom these Presents shall come Greeting.

Whereas Articles of Marriage between Us, and the most serene Infanta of Spain, the Lady Maria Theresa, eldest Daughter of our most dear and most beloved Brother and Uncle the King of Spain, Don Philip IV. of that Name, have been concluded, agreed upon and signed, by our most dear and most beloved Cousin the Cardinal Mazarin on our Part, and by Don Luis Mendez de Haro on the Part of the said King of Spain, on the seventh Day of November in the Island call'd of the Pheasants, in the River of Bidassoa, in the Confines of both Kingdoms of France and Spain, by Virtue of their full Powers and Commissions; by the last of which Articles our said Cousin the Cardinal Mazarin, having promis'd and stipulated in our Name, to pro-

cure our Letters of Ratification in due and accustomed Form, and to cause the same to be deliver'd within thirty Days, with Derogations to any Laws, Customs and Dispositions whatsoever which might be contrary to the said Articles, which are as followt,

In the Name of the most Holy Trinity, &c.

The whole Contract of Marriage is here inserted Word by Word, and having also inserted the full Powers of the most Christian and Catholick Kings, King Lewis XIV. goes on in the following manner —

"We, by the Advice of the Queen, our
"most honour'd Lady and Mother, of our
"most dear and most beloved only Brother
"the Duke of Anjou, several Princes, Dukes,
"Peers and Officers of our Crown, and
"other great and Eminent Persons of our
"Council; having caus'd the said Con-
"tract to be read to us Word by Word,
"have

" have the same in all and every one of its
 " Articles and Clauses approv'd and rati-
 " fied, as we do approve and ratify it by
 " these Presents, Signed with our own Hand:
 " And We promise upon the faith and
 " Word of a King, to accomplish the same,
 " and cause it to be inviolably kept and
 " maintain'd, without ever doing any Thing
 " to it contrary, directly or indirectly in
 " what sort or manner soever; for which
 " purpose we derogate from all Laws,
 " Customs and Dispositions to it contrary:
 " For such is our Pleasure. In witness
 " whereof we have these Presents caus'd to
 " be seal'd with our Seal. Given at Thou-
 " louse the 24th Day of November, in the
 " year of our Lord 1659. and of our Reign
 " the 17th. Signed LEWIS, and lower, by
 " the King, de Lomenie.

This Contract of Marriage was ratified
 in the same manner, in all its Articles and
 Clauses by the Catholick King, both for
 himself, his Successors, Kingdoms and States
 derogating from all Laws, Customs and
 Dispositions to it contrary, at Madrid, De-
 cember the 10th, 1659.

Neither can it be denied, but that this Con-
 tract was a second time ratified by the most
 Christian King: And that too upon another
 solid Reason, since, as we have said before,
 the said Contract being inserted in the Py-
 renæan Treaty, it made the principal part
 of it; and therefore by ratifying the said
 Treaty, the said Contract was in like man-
 ner ratified. The ratification of the Peace
 was in the Words following.

The French King's Ratification of the Pyrenæan Treaty.

LEWIS, by the Grace of God, King of
 France and Navarr, to all those to whom
 these Presents shall come, Greeting: Whereas
 by Virtue of the Full-Powers respectively given
 by us, and the most High, most Excellent and
 most Potent Prince, the Catholick King of
 Spain, our most dear and most beloved Brother
 and Uncle, to our most dear and well-beloved
 Cousin the Cardinal Mazarin, and to Don
 Luis Mendez de Haro Gusman: They have
 in the Island call'd of the Pheasants, in the
 River of Bidassoa, in the Confines of both
 Kingdoms, on the side of the Pirenees, the 7th
 of the present Month of November, concluded,
 agreed upon and signed the Treaty of Peace and
 Reconciliation, the Tenor whereof is as follows.
 Here the Pyrenæan Treaty is inserted at
 large.

We liking and approving the aforesaid
 Treaty, in all and every one of the Articles and
 Heads therein contain'd and specified: Have
 the same, as well for our selves, as for our
 Heirs, Successors, Kingdoms, Dominions,

Lordships and Subjects, accepted, approv'd,
 ratified and confirm'd, as we accept, approve,
 ratifie and confirm the same, promising upon
 the Faith and Word of a King, and under
 the Obligation and Mortgage of all and every
 one of our Estates, both present and to come,
 the said whole Treaty to keep, observe and
 maintain inviolably, without ever doing any
 thing to it contrary, directly or indirectly, in
 what manner soever. In witness whereof We
 have these Presents signed with our own Hand,
 and the same caus'd to be seal'd with our Seal.
 Given at Thoulouse the 24th of November,
 in the Year of our Lord 1659. and of our Reign
 the 17th. Signed Lewis, and lower, by the
 King, de Lomenie, and seal'd with the broad
 Seal in yellow Wax.

To these Things, done before the Con-
 summation of Marriage, were added the
 Oaths of Peace, which were enjoyn'd to
 both Kings, and which were taken as well
 by the most Christian King, as by his Ca-
 tholick Majesty, with all the Formalities so
 solemn

solemn and so sacred, that 'twas not possible to find out or imagine any greater among Christian Kings, or indeed among Men; which however it were needless to mention here, since they have a long time been known, and heretofore practis'd upon the like Occasions.

Moreover it was agreed by the forementioned Articles of the Contract of Marriage, that at the Espousals they should be anew ratified and confirm'd by Oath, as well by the most Christian King, as by the Infanta *Maria Theresa*; and that they should be registred in the Records of the Parliament of *Paris*. We do not deny, but rather complain with King *Philip IV.* when he was almost at the Point of Death, and had nothing but spiritual and eternal Things in Prospect (which we must desire our Readers to carry along with them in their Memories for the Illustration of what follows) that neither the most Christian King, nor his Consort, have perform'd any Thing of what they had promis'd two or three repeated times. Nevertheless we maintain at the same time, that this does not all impair the Vigor and Force of the Contract of Renunciation and Exclusion, not only because no Man is acquitted from an Obligation by his own Negligence or Perfidiousness, but also because in the first Contract which was ratified, it was expressly said, that such an Omission, if it should happen, should in no wise be prejudicial to the Agreements and Contracts; and that notwithstanding the said Omission, the whole should remain in force and Vigour, wherefore the whole was to be look'd upon as accomplish'd, even by the proclaiming of the Peace. But that these things may leave a deeper Impression in the Minds of our Readers, it will not be amiss to quote the very Words of King *Philip*, which he pronounc'd not with the Tongue of one half dead, but with a Mind free from all Dissimulation and Hypocrisy, and already prepar'd for his Journey towards Heaven, as follows,

I have promis'd by another Clause of the said Capitulation (or Agreement) to the Infanta

my Daughter, 500000 Crowns of Gold for her Portion and share, both Paternal and Maternal, or any other Right; and this was done upon Condition that the said Renunciation should be approv'd and ratified by Oath, and all other necessary Securities, both by Her and the most Christian King, immediately after the Celebration of her Marriage, and that it should be accepted by the Parliament of Paris in due and usual Form, and that they should send Copies thereof to me or my Successor, which nevertheless has not yet been perform'd either by the most Christian King or my Daughter, whereby I am acquitted from the Obligation of paying the Portion I had promis'd. However, because I hope that the most Christian King, and my Daughter will discharge that Obligation, to which they are bound in Justice and Conscience, since 'tis past all Doubt that I would never have consented to the said Marriage, but upon the said Conditions, I ordain, and 'tis my Will, that, the most Christian King and my Daughter have not discharg'd their Duty, the Portion I have promis'd, be paid: all and every one of the Conditions exprest in the Agreement remaining, as They ought to remain, firm and valid, as it is expedient for the greater Glory of our Catholick Religion, and the Peace and Tranquillity of both Crowns.

Now considering that what has already been alledg'd to prove the total Exclusion of the French Blood from the Universal Succession of Spain, is perhaps, already too diffuse, we should be inclin'd to forbear saying any thing more upon that Subject, but that there still remain some Proofs behind, which contain an Abstract of the preceding Statutes and Agreements, and evidently and expressly evince the incontestable Right of the House of *Austria*. The first of these Proofs is taken out of an Agreement made in 1628 between the Emperor *Ferdinand II.* and King *Philip III.* concerning the Portion of the Infanta *Maria*, who married *Ferdinand III.* then King of *Bohemia*, from which Marriage the Emperor *Leopold* was born. The Words are these,

Articles of Marriage between Ferdinand III. and the Infanta Maria; from which Marriage the Emperor Leopold is descended.

AND because the most Serene Queen of France, the Lady Ann Infanta of Spain, by Virtue of the Contract of Marriage, and Renunciation made with the Consent and Permission of the most Serene and most Christian Prince Lewis XIII. King of France, her Husband, is and remains effectually Excluded from all Right of Succession, insomuch that all her Issue, both Male and Female, and all her Descendants, both first, second and third born, even *ad infinitum*, in what Degree soever of Relation, neither can nor ought, upon what Title or Pretence soever, succeed in any Kingdom, State, Province, Demefn or Lordship of the most Serene Catholick King, his lawful Heirs or Successors; as well in the Kingdoms of Spain, as out of them, in the other Provinces and Kingdoms, which the said most Serene Catholick King possesses, or shall possess and hold hereafter; wherefore the most Serene Infanta the Lady Maria, reserves to her self her natural Right, together with that which she has acquit'd by the said Renunciation made by the Queen of France her Sister, with the Approbation and Confirmation of the said most Serene Catholick King, both for himself and all his Heirs and Successors, which ought to be instead of, and have the same Force and Vigor with a firm, incontestable and inviolable Law; Excepting however the Right which belongs, and is reserv'd to Her in the said Inheritance and Succession, in the two Cases mention'd in the said Contract of Marriage, made between the said most Serene King and Queen of France; to wit, first, if the said most Serene Queen of France should out-live the most Christian

King her Husband, and that she, being a Widow, and Childless, should return into Spain; and secondly, if for the Publick Good, or for other just Causes and Considerations, she should marry again, with the Will and Consent of the most Serene Catholick King her Brother, or his Successors.

All and every one of which Things have been treated and agreed upon between the above nam'd most Serene and most potent Princes and Lords, the Lord Ferdinand III. King of Hungary and Bohemia, and the most Serene Lady Maria Infanta of Spain, their respective Son and Daughter, by Virtue of the Full-powers abovemention'd, with reciprocal Promise, and solemn Stipulation, upon the Word of an Emperor and of a King, to hold establish'd and ratified all the Contents of the said Articles, and to cause them to be likewise approv'd and ratified by the most Serene King Ferdinand, and the Infanta the Lady Maria, that they may have their full and entire effect. In witness whereof They have these Presents sign'd with their own Hands, and caus'd the same to be sealed with their Seals, in the Presence of Don Ramire Philip de Guzman, the Eldest of the House of Guzman, Duke de Medina de las Torres, Marquess of Toralte, &c. Great Cup-bearer to the Catholick King of Spain, Treasurer General of the King and Kingdom of Arragon; of Don Augustin Messias, Counsellor of State to his Catholick Majesty, &c. Don Juan de Mendoza and Luna, &c. Gentleman of the Bed-Chamber to the Catholick King, Counsellor of State, and first President of the Soveraign Council of Aragon,

*Aragon, &c. Don Philip de Guzma Mar-
ques de Leganez, Gentleman of the Bed-
Chamber to his Majesty, Counsellor of
State, Captain General of the Light Horse
of Flanders, and of the Ordinance of Spain,
and Melchior de Molina, Counsellor of the
Chamber and State of the Kingdom of
Castil, &c. Given at Madrid in the Royal
Palace, on Sunday the 3d of September,
in the Year of our Lord 1628.*

Another Proof which makes for, and is
consonant to our Business, is part of the

Will of *Philip III.* made *March* the 30th
1621. and which is the more remarkable,
because therein it is clearly express'd, that
after the Renunciation or Abdication of
Anna, married to the most Christian King
and who was eldest by Birth, *Maria* her
Sister married to *Ferdinand III.* ought to
be reputed the eldest; or as if she remain'd
alone, which is taken Word by Word from
the *Spanish*, as follows,

King Philip III's. Will.

“ **A**ND since it has pleas'd Almighty God
“ to give me two Daughters, the Eldest
“ of which the Lady Infanta *Maria*, for
“ just Considerations of the Publick Good
“ of these Kingdoms, and of Christendom,
“ has been given in Marriage to the most
“ Christian King of *France*, upon the Sti-
“ pulations and Conditions, which may be
“ seen in the Articles of the Contract of
“ Marriage and of the Renunciation; where-
“ upon at the request of these my Kingdoms,
“ a Law was made pursuant to the said Ar-
“ ticles Stipulated in the Contract of Mar-
“ riage, to which the said most Serene In-
“ fanta gave her consent at *Burgos* the 16th.
“ *October* 1615. Wherefore Confirming, Con-
“ fenting to, and Approving the Premisses,
“ and the said Law, I command and de-
“ clare, that the said Conditions of the Con-
“ tract of Marriage, and the other Deeds
“ made at *Burgos*, as also the said Law
“ ought to be kept and observed full and
“ entire, for so to do is convenient for the
“ Good of these Kingdoms and of Christen-
“ dom, as also for several other Reasons ex-
“ prest more at large in the Contract of Mar-

riage, which I do not mention, suppo-
ing them to be known, and for sever
others.

“ Whereby, by consequence the Lac-
“ Infanta *Maria* remains in the present sta-
“ as my Eldest and only Daughter, whom
“ Declare and Command ought to succe-
“ in these Kingdoms and States, she a-
“ all her Lawful Posterity after the Exti-
“ ction of the Persons and Descendants
“ the said Princes Don *Philip*, and of t
“ Infants Don *Charles* and Don *Ferdina*
“ and their Descendants.

The third Proof, which may serve
all, and which fully answers our Purpo-
is the Will and Testament of *Philip*
not only because of the Power and Aut-
rity of the Testator, founded upon the La-
Constitutions and Agreements, but also
cause it was made upon a greater, im-
mature, and more weighty Deliberat-
than any other Will; and because it n-
clearly expresses the most intimate Thoug-
and the most effectual Will of the King
Legislator, in these Words,

King Philip IV's Will.

IF nevertheless, which God forbid, the Prince my Son should die, before or after he has succeeded in these Kingdoms, without leaving Children or other Lawful Descendants, Male or Female; I Constitute my Universal Heir in all my Kingdoms, States and Seignories, the second Male Son, whom God should bestow on me by this Marriage, or by another, and his lawful Issue, born and begotten in lawful Marriage, Male or Female, according to the same order of Eldership; and in default of him or them, I call the third Male Son, by this Marriage or any other, and his Children and Descendants, Male or Female, born in lawful Marriage, that they may succeed according to the order of Eldership: Which ought likewise to be understood of the other Male, and Legitimate Children, born in lawful Marriage, which God should bestow upon me, even after my Decease; if I should leave the Queen with Child, and it should prove a Male, that he may succeed in his Place, and according to his Degree.

If the Prince, as aforesaid, should happen to die, which God forbid, without leaving Children or Descendants Male or Female, Legitimate and born in lawful Marriage, or if God having bestow'd upon me several Male Children by the present Marriage or any other, they should likewise come to die, without leaving Children or Descendants as aforesaid, in their Default I constitute my Universal Heir all my said Kingdom, States and Seignories, the Infanta Donna Margarita my daughter, by the Queen the Lady Maria my most dear, and most beloved consort, and her Sons, Daughters and Descendants Male and Female, legitimate and born in lawful Marriage, which God should bestow upon her, and she and they opening to fail, I call the third Daugh-

ter and her Descendants, and in the same manner and order I call the other Daughters, legitimate and born in lawful Marriage, which God should bestow upon me, and even the Posthumous, by this present Marriage, or any other, and the lawful Descendants of every one of them, who shall succeed in the same order of Eldership, preferring the Elder to the Younger, and the Male to the Female of the same Line and Degree.

And in case my said Children, Male or Female, by this present Marriage, or any other to come, whom I now call, should fail, I declare that the Succession in all my said Kingdoms, States and Seignories ought to belong, and belongs to the Children and Descendants Legitimate Male and Female of the Empress Infanta Maria my most dear and most belov'd Sister, already Deceas'd, in the same manner as I have declar'd in the Constitution of my Sons and Daughters.

And in Default of her Issue, I likewise declare that the Succession of my said Kingdoms, States and Seignories belongs to the Line of the Infanta the Lady Catharina my Aunt, Dutches of Savoy, and to her Children and Descendants Legitimate, and born in lawful Marriage, both Male and Female, observing the order of Eldership, in manner aforesaid.

In all Times and Ages past a particular circumspection has been us'd in giving the Infanta's of Spain in Marriage to the Kings of France, because of the Inconveniencies which may result from the Conjunction and Union of those two Crowns; for both, and each by it self, being so great, that they have preserv'd their Grandeur with so much Glory to the respective Catholick and most Christian Kings, if they should be United, their Elevation would dwindle and fall; and other great Inconveniencies would

would ensue to the Subjects and Vassals, and the publick Good and Welfare of both Kingdoms, and of all Christendom. Which to avoid, and to facilitate Marriages between the two Crowns, for the Good of the respective Vassals, and of the States in general; Their Union has been provided against by an Agreement or Stipulation, which has the Force of a settled and firm Law, in favour of both Kingdoms, and the publick Good thereof; more particularly by the Contract of Marriage, made at this Court the 22^d. of August. 1612. between the King My Lord and Father, and Lewis XIII. the most Christian King of France, upon account of the Marriage, which I have contracted with the Queen the Lady *Isabella* of Bourbon, my most dear and most beloved Consort, and also upon account of the Marriage which the said King has Contracted with the most Christian Queen, the Lady *Anna*, my most dear and most beloved Sister, it was agreed and establish'd, That the two Crowns should not, and could not Unite, and that for that Purpose the Infanta my Sister ought to renounce, and should renounce both for her self and her Descendants by that Marriage, all and every one of the Rights which might or should belong to her to succeed in my Kingdoms, insomuch that in no Case, known or unknown, she should succeed in them; and that the Succession should pass to the next following Line, since the said Infanta the Lady *Anna* and all her Descendants, Male and Female, have been declar'd excluded from that Succession, and from all hopes of Succeeding, their Catholick and most Christian Majesties having abolish'd all Laws, Rights, Customs, Dispositions and Titles of the said two Crowns, whereby one succeeds or may pretend to succeed in the said Kingdoms, States and Seignories, both for the Time present and to come, and in cases of transferring the Succession, as far as they should be any wise contrary to, or hindring the said Renunciation and Exclusion of the said Infanta the La-

dy *Anna*; with the Addition of a Declaration, that their said Majesties ought by the Approbation of the said Contract of Marriage, to derogate from them, and hold them as derogated from. And in pursuance of that Contract, the said most Christian Queen my Sister, before the Episcopal, did by Word of Mouth, make a Renunciation in the most solemn manner, and by Oath in the City of *Burgos* the 17. October 1615. in the Presence of the King My Lord and Father, who approv'd the same by a Deed pass'd before *Antonio d'Arce* his Secretary and publick Notary of these Kingdoms; and upon account of the said Renunciation, the Marriage had its Effect; and the King My Lord and Father commanded that the said Renunciation, should be kept, accomplish'd and put in Execution by a General Law, which he made and proclaim'd, at the Request and Prayer of these Kingdoms, the 3. of June 1619. And by the 38th. Clause of his Will and Testament, whereby he declar'd that the said Queen my Sister, and her Issue by that Marriage, both Male and Female were excluded from all the said Kingdoms, States and Seignories. And conformable to that Precedent, as well as many others, and among the rest the two Chapters 5 and 6 (above mention'd) have been added to the Treaties made between Me at the most Christian King *Lewis XIV.* my most dear Nephew by my Sister, touching the Peace and Marriage, which has been contracted, between the Infanta the Lady *Maria Theresa* my most dear and beloved Daughter and the said King, under the Favour of God, and to his greater Glory, and for the general Tie, Repose and Tranquillity of both Kingdoms; as appears by the said Articles of Marriage, which has been contracted for Me and in my Name by Don *Luis Mendez de Haro*, Count and Duke *d'Olivarez* my Great Master of the Horse on one side, and on the other side, in the Name of the most Christian King by the Cardinal *Julio Mazarin*, by Virtue of the Order given the 7th of November 1659.

under-

'underwritten by *Peter Coloma* my Coun-
 'sellor of War, and Secretary of State,
 'Publick Notary of these Kingdoms. And
 'in the Treaty of Peace, made by the same
 'Plenipotentaries on the same Day, be-
 'fore the said *Peter Coloma*, a Chapter has
 'been inserted, under the Number 33. in the
 'Words following. (*the Reader may see*
 'that 33. Chapter, which has already been
 'set down at large) And for the Performance
 'of those Treaties the said Infanta the Lady
 '*Maria Theresa*, has in effect made and
 'sworn the said Renunciation in the City
 'of *Fontarabie*, on the 2d, of *June* 1660.
 'under the Testimony of *Ferdinand de Fon-*
 '*seca Ruiz de Contreras* my Counsellor of
 'War, Secretary of State, and of the Uni-
 'versal Dispatches, and publick Notary of
 'these Kingdoms. And tho' I hope that
 'the Infanta my Daughter, and the most
 'Christian King her Husband shall perform
 'and observe all the Premisses, and all the
 'Contents of the said Contract of Marri-
 'age, and of the Renunciation, since Ju-
 'stice and Conscience requires 'em so to do,
 'nevertheless since the Peace and Tranquil-
 'lity of Christendom is wrapt up in it, that
 'the performance thereof may be secured,
 'by all known and lawful means, as Na-
 'tural Father and Master of all my King-
 'doms, States and Seignories, by Virtue
 'of the Sovereign Power which I use and
 'enjoy, to dispose and ordain, for the Good
 'of my Vassals, and of the common
 'Wealth, as also to provide for its good
 'Administration, and prevent the Harms
 'which may result from the Conjunction of
 'the two Kingdoms, Crowns and States, and
 'to each of them respectively, of my own
 'Motion, and certain Knowledge, and by a
 'full, Royal and absolute Power, which I
 'will use, and do use, being fully instruct-
 'ed of the Examples of my Predecessors,
 'who have dispos'd, chang'd and over-
 'turn'd the Order of Succession of my
 'Kingdoms and States, by the Exclusion
 'of the Elder Children and their Descen-
 'dants, in consideration and by reason of
 'Treaties of Peace and Contracts of Marriage,

'and other just Causes; I declare that the
 'said Infanta *Maria Theresa* my Daughter,
 'and all her Issue by that Marriage, both
 'Male and Female, shall be, remain, and
 'are excluded, and as far as is necessary I
 'exclude them from all Rights or Hopes
 'which they may have, or have, in any
 'Case whatsoever, to succeed in any of my
 'Kingdoms, States and Seignories, for ever,
 'just as if they never had been born; and I
 'declare that this Exclusion, and all that
 'which I have dispos'd, and dispose con-
 'cerning the same, with regard to the Per-
 'son of the said Infanta the Lady *Maria*
 '*Theresa* my Daughter, and her Issue by
 'that Marriage, both Male and Female,
 'ought to be observ'd, and where it shall
 'be needful, I will, command and ordain,
 'that it be observ'd, accomplish'd and exe-
 'cuted, in Relation to the most Christian
 'Queen the Lady *Anna* my Sister, and her
 'Issue, according to her Contract of Mar-
 'riage and the Renunciation she made, and
 'according to the Disposal of the King Don
 '*Philip III.* my Lord and Father, mention'd
 'in the said Law and in his Will and Testa-
 'ment; all which has had the Force and
 'Vigor of a Law stipulated between both
 'Crowns; and which I approve, with and
 'under the same Quality which is in Con-
 'ventional and Stipulated Laws between
 'sovereign Princes, by Virtue of my Full
 'Power, abolishing and annulling all Laws,
 'Statutes, Dispositions and Customs as far
 'as is necessary, and which might in any
 'wise whatsoever, hinder the said Exclusion,
 'as effectually as if every one of them was
 'here exprest, and particularly mention'd.
 'Nevertheless I declare, will and com-
 'mand that if, (which God forbid) the
 'Marriage of the Infanta *Maria Theresa*
 'my Daughter, should happen to be dissolv'd
 'without Issue, and she being a Widow
 'should return into *Spain*, or if being a
 'Widow, in Consideration of the Publick
 'Good, or other just Causes, she should
 'marry again with my Consent, or after
 'my Death with the Consent of the Prince
 'my Son, in such a Case, the Exclusion and
 'Re-

‘Renunciation shall have no Force against her, and that both she and her Issue by that second Marriage, provided it be not in France, shall be capacitated to succeed in the said Kingdoms and States.

‘By another Clause of the said Agreement, I have promis’d to the said Infanta my Daughter, 500000 Crowns Gold of the Sun for her Portion, with the rest mention’d in the Contract of Marriage. All which said Things I command to be accomplish’d, kept and executed in the Succession of my Kingdoms and Seignories, by all my Subjects and Vassals of what Quality or Condition they may be, and by all my Kingdoms, States and Seignories, and that they keep and observe the same in the Force and Vigor of a Law and Statute made in the Assembly of the States, and which shall be publish’d in manner, form and solemnities us’d in each Kingdom, State and Seignory.

All that has hitherto been mention’d, and which has been repeated because of the several Proofs, which do mutually help one another, concerns the universal Monarchy of Spain, and admits not the least Right of the French Blood, to the least or any of its Parts: For all the Blood of France in General is not once, and in one Place, but several repeated Times, and in many Places excluded from all the Fiefs, whether they have been confer’d upon others by the Kings of Spain, or whether they hold them of others: Among which, those being, without all doubt, the most Principal, which they have receiv’d from the Holy Roman Church, and from the Holy Roman Empire, no Man can deny, but that they are comprehended in the Translation of the whole Succession of Spain, in favour of his Imperial Majesty and his Children, under that Title, by the express Disposition, exclusive of the French, and by what follows it, whereby it clearly appears, that nothing can be alledg’d to the contrary, or inferr’d from the Investitures, whether Pontifical, concerning the Kingdom of Naples, or Imperial for the Dutchy of Milan, Marquisate and Port of Final, Prin-

cipality of Piombino, Vicariate of Sienna, and the Fiefs of Montfort, &c. which have been granted, whether these Investitures be old or new, and which according to the order of Eldership, confer the Succession upon both Male and Female; on the contrary those Terms ought rather to be thus interpreted, viz. That the particular Treaties made and transacted by the Authority of the Popes, and the Laws proclaim’d to exclude the Issue of France, born or unborn, remaining in Force, the Right which is thereby transferr’d to others, ought always to be kept entire. Lastly, by the same Reason, we shall say once more, according to the Will and Testament of Philip III. above-mentioned, that the Eldest Infanta’s of Spain married in France, cease to be so by the Laws and Contracts, and that such as are nearest to the Princes of the Blood of Spain step into their Place and stead, acquiring at the same time the Title of Eldership. Thus the Patriarch Jacob, who was the younger Twin-Brother, and who nevertheless was to be the Father of the other Patriarchs, and of St. Joseph, after Esau his Eldest Brother had sold to him his Birth right for a Porridge of Lentills, answered Isaac his Father, who ask’d him, who he was? He answer’d, I say, rightly, that he was his eldest Son, as it is receiv’d for an incontestable Truth, both among Jewes and Christians, and as the divine Blessing obtain’d by Isaac his Father, and which even redounds upon us, shew’d it afterwards. Nay, were the Emperor enclin’d to neglect the Affairs of his Family, he ought to be put in mind and desir’d not to lavish away the Interests of the Empire, by conferring upon, or abandoning the Imperial Fiefs to a Family which long since has been its Enemy, and which by unjust Means and Frauds, which are natural to it, has usurp’d some of its principal Parts; and which under pretence of the Allegiance due upon account of the Fief aspires at nothing less, than to rob the Empire of all its Fiefs of Italy, and at last to bring all Italy under the Yoke, and to wrest from the Germans the Imperial Dignity

ity it self, to transfer the same to the Successors of *Hugo Capet*. The same thing is to be understood of *Flanders*, and of the Provinces annex'd to it, whereof mention is frequently made in the Records above-mentioned, not only because they may be advantageous to the *French*, both as a means to subject the Neighbouring States, and to awe the more remote, and rob them of their Trade and Commodities, but because besides the feudal Tie whereby some of them are united to the Empire, and the Succession anciently allow'd in the said Provinces to the Males only, even in the remotest Degree, they do all of them so entirely belong to the Empire and House of *Austria*, that they make a particular Circle of the Empire, call'd of *Burgundy*, and do not belong to the Kings of *Spain* their Possessors, but under the Title of Arch Duke of *Austria*, and thereby have their sitting and Voice, with the other Prerogatives of the august House of *Austria*, in the Assemblies of the Empire. To prove most evidently that they have belong'd to the Kings of *Spain* for no other Reason, and that they can fall to no other besides the Arch Dukes of *Austria*, we need only mention the Terms and Words of the famous Transaction made at the Assembly of *Ausburg*, the 26th June 1548, between the Empire and Emperor *Charles V.* concerning *Flanders*, and the Provinces thereunto annex'd, and which *Charles V.* as Emperor, and Lord of those Provinces, and in the Name of the Empire, the Elector of *Mentz* and *Palatine*, the Archbishop of *Saltzburg* and Duke of *Bavaria*, the Abbot of *Wingat*, the Count of *Furstemburg*, and the Magistrate of the City of *Ausburg*, for themselves and the other Electors, Ecclesiastical and Secular Princes, Prelates, Counts, and the Cities absolutely Free and Imperial, at the request of the Assembly of all the States, did Sign, and lodg'd among the Statutes of the Empire, and lastly as an eternal Record, was registered and accepted by the Imperial Chamber, kept at *Spire* till the destruction of that City, and now holden at *Vexlar*; and

which was likewise ratified by the States of the said Provinces, in these Words.

'We, *Charles* the Vth by the Grace of God, Emperor of the *Romans*, always August, King of *Germany*, *Castil*, *Arragon*, &c. Arch-Duke of *Austria*, Duke of *Burgundy*, &c. do let know, &c. That we as true Heir, and Land-lord of our said Hereditary Provinces of *Flanders*, for our selves our Heirs and Successors, together with our Provinces of *Flanders*, which shall be nam'd successively, to wit, &c. shall be for the future, and for ever under the Protection, Defence, Guaranty, and assistance of the Emperors, Kings of the *Romans*, and Holy Empire, and that they shall enjoy its Privileges and Rights, and shall for ever, by the said Emperors, Kings of the *Romans*, and States of the Holy Empire, as well as its other Princes, States and Members, be faithfully protected, defended and assisted, and that they shall likewise be invited and called to all the Assemblies of the Empire, where We and They, with the other States have Right to appear, either in Person or by Deputies; and we, and our Heirs and Successors, our Deputies and theirs ought to be admitted into the Assembly, and there have Voice by reason of those Provinces, as and under the Title of Duke of *Austria*. Moreover our Heirs and Successors in our said Province, with all the Principalities and Provinces thereunto belonging, &c. We do erect and constitute into a Circle under the name of Circle of *Burgundy*, under which they shall all be comprehended, altho' some of them have heretofore been included in other Circles of the Empire, &c. However all the said Principalities and Provinces, which under the Name and Quality of Fiefs collated by the Empire, have been so possess'd and enjoy'd, ought to be receiv'd, holden and possess'd for the future, in the like manner as has been practis'd heretofore; &c. Wherefore we promise, and engage our Imperial Word, both for our selves, our Heirs and Successors, and all our said Heirs

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hereditary Provinces of *Burgundy*, that this Transaction, Stipulation and Agreement, in all and every one of its Parts, Heads, Clauses and Decrees which concern us and ours, shall by Us and Them, firmly, perpetually, and inviolably be observ'd, and executed, without doing, or suffering to be done, any thing to it contrary, in any wise whatsoever. All things likewise which have been design'd, ordain'd, establish'd and obtain'd against this present Treaty, or which may hereafter be design'd, ordain'd, &c. are and ought to be repeal'd, vacated, annull'd and made void, &c.

Which also *Philip III.* and *Philip IV.* have taken care to provide by their Wills and Testaments by way of Caution for their Provinces of *Flanders*, which belong to the Kings of *Spain*, only as they are of the House of *Austria*, and which is expressed in Terms so agreeable and effectual, that a Clause taken out of the Will of *Philip IV.* may serve for both, and is as follows,

And I particularly declare that the States of *Flanders* and all others, which have heretofore been possessed by the most serene Infanta the Lady *Isabella*, and which being afterwards devolved upon my Crown, I have possessed and do possess, ought, according to my will, remain for ever united to my other Kingdoms and Seignories, and that they ought not to be divided or separated upon any account whatsoever. I also charge and command all those who shall at any time hereafter be my Successors, earnestly to protect, and with all their Power effectually to assist and defend the said States, and their Vassals, since the so doing very much concerns the Exaltation of the Catholick Faith, and the Preservation of the Peace of my other Kingdoms, States and Seignories, and the Rights of the House of *Austria*, of which I enjoy the Quality of Eldest as all the World knows.

Lastly, to wind up this part of our Deduction, 'twill not be amiss to add, That As all those things in the Treaties of Peace, agreements and Sanctions, have been con-

firmed, ratified and warranted by sufficient Authority, as well by the Popes as Emperors, they are both oblig'd to vindicate and preserve the said Agreements and Stipulations, as well as other Guarantees of all Treaties of Peace, or particular Contracts, and this the rather not only because according to the Contracts of Marriage, both the contracting Parties have requir'd the same of the Popes with a filial Reverence, but also because they themselves have willingly accepted such a Request, as appears by the Testimony of the Clauses of the Renunciations, and have really confirm'd the Contracts by the Apostolical Authority: Not to repeat what has already been alledg'd concerning the Emperors, who have promised and stipulated the same both for themselves and their Posterity.

After so many Contracts, Sanctions, Renunciations, Concessions and Oaths, no Man could have imagin'd, or if by chance he had, certainly he would have it thought incredible, That the most Christian King, and his Children, neglecting and slighting the Premises, should make no manner of Scruple, upon the first opportunity, Barretor-like to question his sacred Imperial Majesty, and his Children's Title to the Succession of *Spain*, or to arrogate Part of it to themselves, if Experience had not made it plainly appear. The Colour and pretence which has been made use of to palliate this injustice, can no where be so well discover'd as in the Writings which the *French* have formerly publish'd, as likewise on the other side, the Answer made to these Writings by the *Spaniards* plainly shew, how much these *French* Colours were adulterate: Therefore 'tis most proper to make here an Abstract of what has been printed on both sides, and to add to it a Clause taken out of the Will, which being pretended to have been made by King *Charles II.* has furnish'd *France* with a new Argument, tho' the bare recital whereof may nevertheless serve to confute the same.

Objections

Objections of the French against the Renunciation.

After the Decease of Philip IV. the French, having invaded the Catholick Netherlands, employ'd their Wits and Study, (tho' in vain) to perswade others, what they did not believe themselves: To wit, That the Inheritances of Parents belong'd to their Children by the Law of Nature, as well as by the divine, humane and civil Laws, particularly the Roman, and that the Daughters could not be debarr'd of that Right, without a great injustice; That it was against Morality to make an Agreement concerning the Inheritance of a Person living, because the Renunciations of Daughters are no less repugnant to that than to Justice; since they ought to be satisfied with their Portions, without being able to expect or demand any Thing from the Paternal Estates; wherefore such Renunciations were not admitted by the Roman Law; That 'tis true Pope Boniface VIII. had confirm'd the same, when they were sworn, provided they were not fraudulent or violently extorted; but that under pretence of maintaining the Oath, he really did it for his own Advantage, and in order to extend the Pontifical Authority to the Estates of others, not without gaining an ill name by it every where. Nevertheless that unbounded Decretal was exorbitant and absurd, and that the Force thereof did not reach Kings and Princes, or Principalities and Empires, which are of an infinite Value; That in particular, the Renunciation in Question, tho' it has been colour'd by several Reasons invented by the Council of Spain, and supported by unusual Clauses, was void of all Right and Equity, because of the Minority of her who made it, and of the enormous Grievance and Wrong it did Her; but they principally insisted that either it was void of it self in the Beginning, or is become so, and the first Right returned to Maria Theresa, by the Non payment of her Portion in the limited Time. Nevertheless the Ministers and Writers of Spain have already

demonstrated with solidity, and proved by the Evidence of the things themselves, That as People recur to the Civil or Roman Law,

(receiv'd every where almost in all things) for the decision of publick Questions, or to any other Law, made for the private concerns of Subjects, so with an equal Right the publick Differences between Sovereign Princes may be decided by their particular Tribunals; where the skill of Lawyers takes place as well as in others. There are indeed in Contracts of Marriage several Clauses abrogatory of, and derogatory to particular Laws, and municipal Customs, which by the sound of Words might have seem'd contrary, concerning the Devolution usual among private Persons, in some Provinces of the Netherlands. But all this was done only thro' a greater and superabounding Precaution, and in order that the Contracting Parties should employ a greater Diligence to take away and obviate with more clearness all possible Pretences; not that those Laws could have been otherwise applied to the Succession of Princes, more conveniently, than the French Writers would adapt here the Decrees of the Popes: But it would be absurd to mention the things which have been put in to validate the Disposition of the Contracting Parties, or rather which have been taken away to destroy it. On the contrary, we must consider, (as the wisest French Writers acknowledge it themselves) the Statute made in every Kingdom concerning the Succession, by those who had Power and Authority to make it, and what has been transacted for the mutual Good of the People, and the common repose between Kings or Princes, who are subject to none but God, and by the consent of the People, whose Succession is

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in Question. As it suffices for that Purpose to be of an Age capable of humane Actions, and such as is convenient for the Royal Dignity, both in *Spain* and *France*, without mentioning that which is accounted in several Places of the Monarchy of *Spain*, capable to administer Family Concerns, and which the Antients called, an Age next to strong Youth, the Age of the Infanta *Maria Theresa*, at the time of her Marriage, may easily be gather'd from the Forms of the Renunciations. It has been lawful for *France* and other Kingdoms, nay, for lesser States, and Families, as often as they thought it convenient for their Interests, to change the Manner receiv'd of old, as well of the Election as Succession, and by Laws, even by Treaties, (*where they could be made without taking away the Right belonging to others against their Will*) and by Wills to unite, as it were, into one Mass, and incorporate all the Estates or Provinces they possess'd, altho' they were before under different Jurisdictions, and acquit'd by different Successions; and by other Titles not only to exclude from all and every one of them, without Distinction, the younger Sons, by an Assignment of a Stipend, or instead thereof by Appanages, but also to exclude the Females and their Posterity for ever, allowing them a reasonable Portion: or to order and settle the Succession upon other Conditions. *France* had made use of this Right against *Spain*, and against other Kingdoms and States and their Princes, even by express Renunciations made from Time to Time by her Daughters, more particularly in the Contract of Marriage of *Elizabeth de Bourbon*, first Wife to *Philip IX.* King of *Spain*, who was for ever excluded, with all her Children and Descendants by that Marriage, from the Succession in all her paternal Kingdoms and Seignories; and even from those, in which, after the Extinction of the Males, the Females have Right to Succeed; as also from all the Inheritance of the Queen of *France* her Mother. Now why is it not, or has it

not been lawful for *Spain* to do the same against *France*? Since *Spain* was not only inclin'd to it, but forc'd, not by one, but several cogent Reasons, both publick and private, principally in order to transmit by a compact and undivided Succession, to Posterity, the many States and Kingdoms she possesses, and so to exclude from all and every one of them, the Daughters of her Kings, who should Marry in *France*, with all their Posterity, whether Male or Female. The Law of Nature is very far from prescribing any thing, which ought constantly to be observ'd concerning the Inheritances of Parents, Brothers, or other Relations; neither are the Contracts and Laws which settle the manner of Inheriting, at all contrary to the Law of Nature, since every Body agrees that that Law lays no farther Obligation upon the Parents towards their Children, than barely to give 'em Education and Food; as for the Divine Law, proclaim'd to the Israelites, it not only excludes the Daughters from the Kingdom and publick Patrimony; but even in private Successions it gives the Principal Right to the Males. The Ancient *Romans* have been yet much more Rigid, who besides the most ancient Rights of Acquisitions, which they had retain'd, and the other Rights of paternal Authority, as well as the Full-Power of Emancipations from a Family, and the Removing for ever the Women from all publick Employments, by a Law made at the persuation of *Cato*, made the said Women incapable of Inheriting, inso-much that neither the Decree of the Censors could entitle a Virgin or a Woman to any Inheritance, nor the Father himself constitute his only Daughter his Heir, even in the Time when the Power of making Legacies, or Dispose of the Estate, by Will, was entirely lodg'd in the Father. 'Tis true this severity was mitigated and softned from time to time, however in what concerns Inheritances, the Women and their Descendants have ever been worse treated than the Males and their Posterity, till at length a Way being open'd to the Females, not to Administer the Em-

pire, or to bear publick Offices in the Common-wealth, but to have a share in private Inheritances, the differences of Sexes in Children under Guardianship was taken away. Nevertheless it was lawful for a Soldier to make a Will inofficious or disadvantageous to his Male Children, whether by a military or civil Right, as he thought fit, and then the Children could not complain, altho' their Father had left them nothing; wherefore, by a stronger Reason, Fathers had Power to exclude and disinherit their Daughters. 'Tis sufficiently known, without instancing in Particulars, how various, after the institution of Fiefs, the ways of Succeeding in them have been among several Nations, and how much the Power of Women has been limited, particularly in the Fiefs deriv'd from the Empire, which evidently demonstrates that the Law of Nature was never made use of in this matter. Were it not for the Truth of this Position, the Laws and customs, which as well in several other Countries, as in *Scily* and *Italy*, and namely in the Dutchy of *Milan*, deprive Travelers, Aliens and Children born out of that State, of private Successions; such Laws, I say, would not be exempt from Crime; at least the *Rapaciousness* of the *French*, which is known all over the World, would not be excusable in relation to those Inheritances, which their Exchequer claims as Escheats, except in those places where the greater and more frequent Advantage, which they daily reap from Traffick, or any other particular Conveniency has extorted some Moderation from them. During some time Agreements made about the Inheritance of Persons living, have been reputed immoral by some *Roman* Laws, because they excited the desire of their Death; I mean such agreements only as were made without the knowledge or against the Will of the Person on whom the Inheritance depended, because they robb'd him of the Power of making his Will; but not such as were made with his Consent, and whilst he persever'd in the same Intentions till he

died; no more than those which were made amongst Soldiers by a special Favour of the *Roman* Princes, or those by which an Inheritance was abdicated. Nay a great deal more has been granted in Succeeding Times, for Fiefs have not only been made over, or yielded amongst living Persons to others comprehended in the first investiture, and which these were ever able to receive; but other Estates with their dependencies are now a days us'd to be resign'd, transferr'd, made over and purchas'd by Agreements and Contracts, as well of Marriage as otherwise, particularly amongst illustrious Persons. There are large Volumes writ by some of the *French* Civilians of the first Rate, whereby it appears, that in *France*, as well as in other Countries, even among the Gentry, the Birth-Right of the Males takes place, as well as the Renunciations of the Females, which is the main support of noble Families. It's plain also from the Opinions of the said Civilians, that the Sovereign Sentences of *France* have decided more than once, that such Renunciations, even amongst private Persons, cannot be made void, either because of the *Minority of Age*, or by reason of an enormous Grievance; particularly if they tend to the Preservation of Illustrious Families, or noble private Houses. It is fully declar'd by the *Roman* Canons and Constitutions that the Oaths of Women under Age, ought to be kept and accomplish'd, as well as others, when they may be kept without danger of eternal Damnation; and 'tis Perfidiousness and Perjury when a Minor, under Pretence of his Age, endeavours to retract the Oath he had made about his own Concerns, or only requires to be absolv'd from it, and that therefore he ought not to be heard. But tho' we should admit in certain Cases, either with Respect to Princes or private Persons, the Nullity of a Renunciation, because of the smallness of the Portion, nevertheless in our present Case, Regard must not be had to the sum of the Portion, altho' it has been greater than any *Spain* ever gave, besides what was at that Time,

or before given to the Infanta *Maria Theresa*: but because of the Union by the *Pyrrenean Treaty* and Marriage, which was thought necessary and inviolable by the contracting Parties, we must at the same time consider the immense and inestimable Goods which have been made over and yielded to *France* and *Spain*, by this Peace, and in consideration of this Marriage, which serv'd as a most proper means to bring the said Peace to a speedy conclusion. The Portion being demanded by the *French*, was not paid by the *Spaniards* at the appointed Day, or afterwards, but however 'tis *France* that is in Fault, because the Deed of Ratification which ought to have been made by the King and Queen of *France*, immediately after the Celebration of their Marriage, was not made before the Day of the Tender of the Portion, as was stipulated by the Treaties, nor that of the Renunciation, (which was to be reiterated, and registred in the publick Records of the Parliament of *Paris*) was it deliver'd to King *Philip* till his Death; neither as the *French* themselves acknowledge, the Promis'd Ratification, repeated Renunciation, nor the Registring of the same have been perform'd, but instead of that, the invasion of *Flanders* was prefer'd to the Portion, which King *Philip IV.* had offer'd of his own accord by his last Will. And this Omission of *France*, or rather, (as it appears plainly by the Writings of the *French*) this long before premeditated FRAUD, the VIOLATION OF AN OATH wickedly concerted, and the VIOLENT INTRUSION into the Estate of another, ought in no wise to be advantageous to *France*, or prejudicial to *Spain*. And tho' by a most severe, that is most unequal and disadvantageous Construction, some thing might be laid to the charge of *Spain*, (which however, all circumstances consider'd, even those who make it their study to cavil about Words and Syllables, and who in contradiction to Equity traduce all Men's Actions, cannot do without bringing Confusion upon themselves) the daily

Practise of Mankind will suffice to justify her; since in other Promises made against a limited Day, especially for the Payment of a Portion, one may, as one generally does, use some Delay, which nevertheless can signify no more than to impose a sort of Penalty upon the Debtor together with the Payment of the sum due, or oblige him to repair the Damage, which one may have sustain'd by such a delay; but not to cancel the Contract itself, and the whole mutual Obligation. A Law of Devolution can never be understood or implicitly contain'd in express Words, and even then it is odious, or according to the very Words of the Law, it ought to be dissolv'd and corrected. We do not find any like Clause in the whole series of the various Records above-mention'd, or any Thing tending that way, but only a Power reserv'd to demand the promis'd Portion, till it be paid, and that before the said Party, she who has made the Renunciation cannot be oblig'd to hold herself quiet or satisfied. It plainly appears by the 5th and 6th Articles of the Contract of Marriage, that the Promise of the Portion, and the demand or Payment being express in the second Article, 'twas not by Virtue of the same, but for other most just and most important Reasons, One whereof was the Universal Tranquillity of Christendom, that the Blood of *France* was excluded from all the Kingdoms and States of the Monarchy of *Spain*, not only by an arbitrary, and at the same time eternal, unalterable, present and absolute Renunciation of the Daughter, and which could not be Suspended by the Promise or Payment of the Portion, but even confirm'd by a Law which was already in Force. The Infanta *Maria Theresa*, before the Consummation of Marriage, signed two Deeds both of Renunciation and Exclusion, or Cession, which have been already mention'd. By the one she relinquish'd and gave over all manner of Succession, and by the other she abdicated the Kingdoms and Principalities, without making the least mention of the Portion. or rather

rather she submitted to the Law provided for that Purpose, which authoriz'd her so doing. 'Tis for that Reason, first that the 38th Article of the *Pyrenean Treaty*, worded in the manner abovemention'd, and the Renunciation, Cession and Resignment repeated in the same, and all the Transactions thereunto belonging, have been receiv'd, both jointly and separately, upon several Occasions in the number of perpetual and constant Laws. And tho' in the mutual Conveyance of the Rights of the Subjects, in order to put an end to the War, and conclude a Peace, their Consent or Opposition is seldom regarded, yet all this has been done at the request of the *Cortes* or States of *Spain*, as has been said before. The Infanta *Maria Theresa* was not instigated to it by a Father, who was not only most kind and indulgent to his Children, but also most humane and mild with every body; neither has there been on any occasion the least sign of any Force us'd, but according to the whole Transaction, and by her own Declaration it appears that all was done with her most Free-Will; and likewise we suppose that the most Christian King will easily confess that he was under no manner of Fear or Force when he ratified all those Acts; unless perhaps, in order to break and elude all Treaties, Contracts and Agreements, he will call Fear, Violence and Force, what we have hinted before, to wit; That without that Renunciation, Abdication and Cession, not only the Marriage had not had its full Effect, but also *France* had not gain'd by the Peace so many Advantages, and unless he design'd to receive and retain those Advantages, and yet decline or reject what he found inconvenient in the mutual and reciprocal Obligations. One cannot better understand or comprehend, than by the reading of *French Writers*, how light, vain and frivolous are all the *Subterfuges*, *Evasions*, *Objections*, *Interpretations*, *Shifts*, and to speak more properly, the *Frauds*, whereby according to the Genius of that Nation, they endeavour, tho' in vain, seriously to

attack, confute, invalidate and destroy all Treaties, Agreements, Alliances, Promises, Dispositions, Wills, Clauses, Laws, Canons, Oaths and Imprecations; and how cavilling about a little Word they strive to evade it, and very often to wrest it into a contrary Sense, or to explode and laugh at it openly, even to that degree that they Glory in their *Fraud* and *Breach of Faith*, and afterwards are not asham'd to make use of them to defend their Cause. Now for a further illustration of this Matter, we will add briefly: As this Affair did concern not only King *Philip*, but all his Relations, by an incontestable Right, together with all the Kingdoms and Provinces under him, and that according to the Custom which has ever been observ'd in both the Branches of the most serene House of *Austria*, his sacred Imperial Majesty or his Relations, have not consented to the Marriages that were to be contracted with both the *Lewis's* of *France*, otherwise than with the preservation of the said Law in full Force, and on condition it should never be broke; the Right of the House of *Austria*, of the *German Branch*, particularly that of his sacred Imperial Majesty and his Children, and other Families his Relations, being once acquired by them, and having been afterwards oftentimes renew'd and confirm'd, neither could nor can be wrested from them by any subsequent step or action, made either by *Philip*, or his Ministers or others, much less by their Omision or Fault, or by any delay whatsoever; nor could it, or can it be charg'd to the Prejudice of *Spain*, and the States thereunto belonging; but notwithstanding all Omisions or Deeds of others, to which all and every one of the Relations, call'd to the Succession, as well as the Kingdoms and States of *Spain*, have not given their Consent, all their Rights and Advantages did and shall for ever remain in their full Force.

The last thing which remains, is to mention and examine the Words concerning this Matter, which are extracted out of that

that Will that has been publish'd under the Name of King Charles, which shall be done with great Moderation, that is, as far as the Thing will, sometimes bear to be

call'd by its own Name; altho' those whom common Report makes the Authors of those Machinations, be thought unworthy of such a Favour; The Words are these,

Part of the Will and Testament publish'd under the Name of Charles II. King of Spain.

HAVING understood by the Result of several Conferences which I have had with my Ministers of State and Justice, that the Reason of the Renunciation of the Infanta's Anna and Maria Theresa Queens of France, my Aunt and Sister, of the Succession of these Kingdoms, was to avoid the inconveniency of their being united to the Kingdom of France; and that that fundamental Motive coming to cease, the Right of Succession subsists in the Person of him that is next a Kin, according to the Laws of these Kingdoms, which happens at present in the second Son of the Dauphin of France, in case I die without Issue; wherefore accommodating my self to the said Laws, I declare the Duke of Anjou my Successor, and as such I call him to the Succession of all my Kingdoms without any Exception; and order all my Subjects and Vassals, That in case God call me to him without lawful Issue, they should own and acknowledge him as their King and Natural Lord, and that they give him without any delay, the actual Possession of the said Kingdoms, after his taking the Oaths that he ought to take, to observe the Laws, Ordinances, and Customs of my said Kingdoms and States. And as it is my intention, and that it much imports the Good of my Subjects, and the Repose of Christendom and all Europe, that this Monarchy should always be separate from the Crown of France, I declare that if the Duke of Anjou

happen to die, or be called to the Succession of France, preferring that Crown to this of Spain, then the Succession of this Monarchy shall, upon the same Conditions, devolve upon the Duke of Berry, the Dauphin's third Son. And in case the Duke of Berry happen to die, or to succeed to the Crown of France, I name and call to the Succession the Arch-duke, second Son to the Emperor, my Uncle, excluding for that same Reason, and because of the same Inconveniencies, contrary to the intent of my Subjects, the eldest Son of the said Emperor my Uncle; and in case the Arch-Duke should also happen to die, I name and call to the Succession the Duke of Savoy and his Children. And it is my Will that this be executed by all my Subjects, as I order them, without allowing that a Monarchy founded by my Ancestors, with so much Glory, should be dismembred or diminished in any manner, their own Good and Peace requiring it should remain entire, And forasmuch as I passionately desire that Peace may be preserv'd between the Emperor, my Uncle, and the most Christian King whose Union imports Christendom so much, I pray and exhort them to cement that Union more firmly by the tie of a Marriage between the Duke of Anjou and the Arch-Duchess, to the end that by this means Europe may enjoy that Peace of which it stands so much in need, &c. October the 2d. 1700, &c.

No Man can read or hear these Things without bewailing at the same time the Fate of a Prince, otherwise most pious and devout, and who whilst in Health had a singular Tenderness for his Family, in that a set of Persons, either greedy of Wealth, or sacrificing all to their Envy and Hatred, or naturally Villains in themselves, have been able to abuse his Sickness and Craziness so far, as to commit a wicked Deed under his Name; and to make him before the Eyes of all the World, guilty, not only of Ingratitude, but of the most crying injustice towards his own Family, which has ever been ready to serve his Person and State, which Stain on his Memory no length of time can ever wash away. For how can it be likely, That that Prince, if he had been in his right Senses, and weigh'd the Contents of the above-mention'd Clause, or even had had the least hint of it, could have been induc'd to do so unworthy a Thing, contrary to the innumerable Promises and Assurances which he had sacredly made and given, upon several Occasions, and even a little before the Contrivance of the Will which They father upon them, both by Word of Mouth and Letters; and that at the same time by a few Words, full of Falshood, he would have broke and overthrown so many Treaties and Sanctions, made and drawn with so much Caution and Wisdom by the common Ancestors, and redeem'd and vindicated by a great deal of Blood, of the House in general, and by the loss of many of those Provinces, which belong to it by ancient Right. *Having understood*, says he, *by the result of the Conferences which I have had with my Ministers of State and Justice*, (that is, such as were known Prevaricators, or Deserters, Men who degenerate from their noble families, or others whose Ancestors, nay, perhaps, themselves, are nam'd in the Contracts of Marriage, and in the Wills of preceding Kings of Spain, and have been present at the Assembly at the States of Kingdom, or have been employ'd in

confuting and rejecting the former Pretensions of the French) *That the Reason of the Renunciation of the Infanta's Anna and Maria Theresa, &c.* (which Reason, according to him is still valid, and ought in no manner to be question'd or laid aside) *was only founded on the danger of the Union of the Monarchy of Spain to that of France.* Nevertheless both his Grand-father and Father, with the Approbation and Applause of the whole Kingdom, and even of the whole Universe, as the French Writers themselves do own, in the Contracts of Marriage, and elsewhere, do expressly say, That 'twas not only to prevent the Union, and avoid all occasions that tended that way, but likewise to maintain the equality of the Succession between both Kingdoms; and that besides the other Reasons above-mention'd, there had been others, which had induc'd them to settle the Exclusion. Certainly if the Reason of avoiding the Union had been the only one, it would never have been of any force to exclude the Daughters of France and their Issue from the Succession of Spain, since they are no less excluded from the Kingdoms of Spain than the Males of France. King Charles goes on thus: *And having consider'd that that fundamental Motive ceas'd, the Right of Succession subsisted in the Person of him that is next a Kin, according to the Laws of Spain, which happens at present in the second and third Sons of the Dauphin; to wit, because others before them are call'd to the Succession of France, and the Reason of the said Law it self ought to cease.* But who did ever admit that general Right of Succession, where several Reasons concur in the making of a Law, which, to judge of the present Case by the said Law, do not all cease? Or who will venture to affirm that the said Fear of Union is remote from the second and third Son of the Dauphin? Lastly, what will they answer to the Father and Grand-father, who without Controversy were the best Interpreters of their own Will, and of the said Contracts and Laws they made;

or rather what can they answer without Calumny and Impiety to both the Contracting Parties, who have clearly express'd in the Contracts of Marriage, and elsewhere, *That all the Children and Descendants, Male or Female, of the Infanta's married in France, ought to be excluded, and reputed excluded, tho' they or any of them would, or should pretend, that the Reasons express'd, or others, on which the said Exclusion might be founded, ought and could not be regarded in their Persons.* As for the rest we do not deny but that the Laws of *Spain*, concerning the Succession of the Crown ought to be observ'd, nor do we found our Right upon their Prescription, but we maintain at the same time, that the new may be derogatory to the old, and that these new Laws, are not only contain'd in the Contracts of Marriage, according to the express Words therein mention'd, of *constant and for-ever firm-Law*, but also lodg'd in the new Register of the Laws of *Spain*, published in the latter Assemblies of the States of the Kingdom. 'Tis therefore most wrongfully, and contrary to the Tenor of those Laws that *Charles* continues thus: *That for that Reason, if he should die without Issue, he called to the Succession of his Kingdoms the Duke of Anjou, the Dauphin's second Son, and in case the said Duke of Anjou should die, the Duke of Berry, the Dauphin's third Son; since by these very Laws, not once, but several times, the Infanta's themselves, not only their Marriage in France subsisting, but even after its Dissolution, not without Children, and all their French Issue, Male and Female, and their Descendants first, second, third and fourth born, and all of them ad infinitum, without any Distinction of Degree, tho' the whole Line, Masculine or other, of the Catholick Kings then in being, or their Successors, at any time hereafter should happen to be extinct, without any exception of any Cases known or unknown. of Time, manner of Form, are excluded and declar'd excluded from all the Parts of the Monarchy of Spain, present, past or*

to come, even of the Feodal, as if they never had been born. But why, according to this frivolous way of Arguing, was not the Duke of *Orleans* call'd to the Succession at the same Time? Why has he been totally, laid aside and neglected, unless Truth it self has forc'd them to own, that his remotest order of Succeeding in *France* has been disregarded, and that nevertheless he is, as well as the most Christian King, the Dauphin, and his eldest Son entirely excluded from the Succession of *Spain*, by the unbounded Validity of Renunciations? We may rather infer, according to the same Rule of Right and Equity, alledg'd by King *Charles*, That tho' that Disposition or Declaration had been in his Power, (as 'tis plain it was not, by the Contrary Wills of the Father and Grand-Father, by so many opposite Laws, and Agreements Sworn, and confirm'd by the Apostolick See) he would not have been willing to make it Valid, if he had clearly understood, that the Reason he alledg'd, and upon which alone the Declaration was founded, did not clearly Subsist, and therefore neither the Duke of *Anjou* nor the Duke of *Berry* ought to be reputed by him call'd.

What is yet most absurd, and most unjust of all, is, *That the Arch Duke second Son to the Emperor is call'd with the Exclusion of the Eldest, the King of the Romans, and his Issue, for the Reason before mention'd, and to preserve a Ballance, and the Daughter of Austria are absolutely omitted, by substituting in their stead, the Duke of Savoy and his Issue, in case the Arch Duke should die.* We also reckon that Duke among the lawful Successors to *Spain*, but after the House of *Austria*, and therefore we maintain likewise that they have wrong'd him, by preferring to him two Princes of *France*, who ought to be, as they really are excluded. Now tho' we should be silent, there's no Body but sees, that the not admitting another way the House of *Austria*, of what Sex or

Quality soever, to the Succession of *Spain*, and the opening a way to it to the Family of *France*, according to the rare Authors of a new Law, is no more in effect than to say and confess openly, that they would, if it were in their Power, make void all the Laws of *Spain*, both Ancient and Modern, all the Dispositions of the preceding Kings, and all the Contracts of Marriage, and other Agreements whatsoever, which are favourable to the House of *Austria*; and deny, in short, against all Proofs, both ancient and modern, that the Kings of *Spain*, never posses'd the Imperial Dignity, or never did, or could aspire to it. In the end of the Clause of the Succession it is added. *That to preserve the Peace between the Emperor and the most Christian King, he prays and exhorts them to cement their Union by a Marriage, &c.* 'Twas necessary King *Charles* should do this, to give some Colour to the Thing; as if by this Advice and Request he had fully satisfy'd his injur'd Conscience, and thereby fully repair'd the wrong he had just before done to the House of *Austria*: But all know what Obligation lies upon every Body to exercise Justice, and to whom it ought to be done; as well as what a Father owes to his Children, and

a lawful Prince to his Subjects, and what the Emperor ought to do, tho' a sincere Lover of Peace, to enjoy it honourably. Now for all the Frauds and Violences which hitherto have been, or will hereafter be committed, GOD who is the AUTHOR, the WITNESS, and the PRESERVER and UINDICATOR OF TREATIES, Will support with his Divine Assistance the Justice of his Imperial Majesty's Cause; the PRINCES and STATES of EUROPE, particularly the Asserters and Guarantees of the *Pirenean*, and other Treaties, will rise and Unite to restrain the Exorbitant Lust of Power of the House of *Bourbon*, which one World cannot satisfy. The People themselves, who at present feel and detest the heavy foreign Hand, which oppresses them, calling back to their Memory the mildness of the House of *Austria*, which they have experienced for so many Ages, and remembering at the same time, the Duty of their Allegiance, will soon openly return to their former Obedience; and the PERFIDIOUS VIOLATORS and INFRINGERS of JUSTICE, the TYRANTS and all their Adherents, Abettors, and Ministers, shall certainly feel the Effects both of the DIVINE and HUMANE VENGEANCE.

F I N I S.

